

## CONFRONTATION RIGHT DENIED TO THE STATE

The bill, in violation of all standards of due process, denies local registrars of voters or State officials, who are presumed to have denied the right of an applicant to vote on account of race or color, the right to be present with counsel at the so-called hearing and the right to confront and cross-examine their accusers.

In the next step, the referee reports the result of his phony hearing to the court. At this point only, the attorney general of the State is invited to file exceptions to the report, but since the report contains only the self-serving declaration of the applicants, without the right of confrontation and cross-

examination, this investigation is practically meaningless.

When all of this unprecedented procedure has been carried out according to plan, the court gives to the Negro a certificate that he is a qualified voter and then authorizes the referee or such other person or persons as he may designate to attend the election at all polling places, look over the shoulders of the State authorities and see that the person is voted, and that the vote is counted. State law requires election officials to keep people a stated distance from polling places and voting booths, so that under the bill, if they admit the Federal agents, they go to State jails, and if they exclude them, they go to Federal jails.

## ELECTION OFFICIALS DENIED TRIAL BY JURY

Likewise, in all other respects, if complaint is made by a Negro voter that the judge's orders have not been carried out to the letter, the State election officials may be hauled into court on a contempt citation and sentenced to jail, or fined, or both, and deprived of the right to trial by jury. It is a frightening prospect that in the United States our Federal jails could be filled with political prisoners consisting of State officials.

Such is the devil's brew that is cooked up for consumption for the Southern States alone. It is utterly unconstitutional. It is devastating. It is the sure breeder of racial troubles of untold proportions.

## SENATE

MONDAY, MARCH 14, 1960

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Rev. Hamilton G. Reeve, minister, the Valley Forge Methodist Church, Valley Forge, Pa., offered the following prayer:

Almighty and eternal God, our heavenly Father, for Thy great goodness to us we lift our voices in hearty thanks. Out of Thy bounty Thou hast blessed this Nation with more than its share of Thy riches. Truly Thou hast looked upon us with favor. But above all we thank Thee for the gift of Thy Son, Jesus Christ, the Saviour of the world.

In these days of peril and confusion, when evil forces would rob us of our priceless heritage of freedom, and enslave us under the yoke of godless tyranny, stir us out of our lethargy and complacency, and endow us with the courage, the faith, and the vision which sustained our fathers in the wilderness of Valley Forge, and brought them at last into this promised land of hope and opportunity. Grant, O God, that we may be done with compromise and concession, and let us stand fast in the liberty where-with Christ hath made us free. Let us not sacrifice principle for popularity or integrity for expediency, and let us ever be mindful of Thy words—that it is not by might, nor by power, but by Thy Spirit that final and complete victory will come.

Protect and preserve the President and the Vice President of these United States, and grant that these Senators, into whose hands has been entrusted the responsibility of government, may be directed by Thy spirit, motivated by Thy love, and obedient to Thy holy will. Vouchsafe unto them guidance in their deliberations and wisdom in their decisions, we beseech Thee this hour.

Hear our prayer, for we pray in the name of Jesus Christ, the only hope of the world. Amen.

## THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 11, 1960, was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

## EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Timothy J. Murphy, of Massachusetts, to be an Interstate Commerce Commissioner, which was referred to the Committee on Interstate and Foreign Commerce.

## REPORT ON FEDERAL TRANSPORTATION POLICY AND PROGRAM—MESSAGE FROM THE PRESIDENT

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Interstate and Foreign Commerce:

THE WHITE HOUSE,  
Washington, D.C., March 14, 1960.  
The Honorable RICHARD M. NIXON,  
President of the Senate,  
U.S. Senate,  
Washington, D.C.

DEAR MR. PRESIDENT: I transmit for the consideration of the Congress a report on Federal Transportation Policy and Program, submitted to me by the Secretary of Commerce. This report identifies emerging national transportation problems, suggests a redefined Federal role in meeting these problems, and recommends certain legislative and administrative steps intended to assure the balanced development of our transportation system.

I have transmitted copies of the report to the interested executive agencies, in order that the Secretary's recommendations may be carefully considered with a view to developing appropriate administration legislative proposals and executive branch actions.

Sincerely,

DWIGHT D. EISENHOWER.

## ORDER DISPENSING WITH CALL OF CALENDAR TODAY

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the

call of the calendar under rule VIII be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

## LIMITATION OF DEBATE DURING MORNING HOUR

Mr. JOHNSON of Texas. Mr. President, under the rule, there will be the usual morning hour for the introduction of bills and the transaction of other routine business; and I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

## EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

## EXEMPTION OF DISTRICT OF COLUMBIA FROM PAYING FEES IN COURTS OF THE DISTRICT OF COLUMBIA

A letter from the President, Board of Commissioners, District of Columbia, transmitting a draft of proposed legislation to amend the acts of March 3, 1901, and July 15, 1939, as amended, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia (with an accompanying paper); to the Committee on the District of Columbia.

## AUTHORIZATION FOR GOVERNMENT AGENCIES TO PROVIDE CERTAIN SERVICES TO CIVILIAN OFFICERS AND EMPLOYEES

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting a draft of proposed legislation to authorize Government agencies to provide quarters, household furniture and equipment, utilities, subsistence, and laundry service, to civilian officers and employees of the United States, and for other purposes (with an accompanying paper); to the Committee on Government Operations.

## AUDIT REPORT ON ALASKA RAILROAD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Alaska Railroad, Department of the Interior, fiscal years 1958 and 1959 (with an accompanying report); to the Committee on Government Operations.

## REPORT OF BACKLOG OF PENDING APPLICATIONS AND HEARING CASES IN FEDERAL COMMUNICATIONS COMMISSION

A letter from the Chairman, Federal Communications Commission, Washington, D.C., transmitting, pursuant to law, a report on backlog of pending applications and hearing cases in that Commission, as of December 31,

1959 (with an accompanying report); to the Committee on Interstate and Foreign Commerce.

#### POSTAL RATE INCREASE ACT OF 1960

A letter from the Postmaster General, transmitting a draft of proposed legislation to readjust postal rates, and for other purposes (with accompanying papers); to the Committee on Post Office and Civil Service.

#### REPORT ON LIBRARY OF CONGRESS

A letter from the Librarian of Congress, transmitting, pursuant to law, a report of the affairs of the Library of Congress, including the copyright business, for the fiscal year ended June 30, 1959 (with an accompanying report); to the Committee on Rules and Administration.

#### DISPOSITION OF EXECUTIVE PAPERS

A letter from the Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report of the Archivist of the United States on a list of papers and documents on the files of several departments and agencies of the Government which are not needed in the conduct of business and have no permanent value or historical interest, and requesting action looking to their disposition (with accompanying papers); to a Joint Select Committee on the Disposition of Papers in the Executive Departments.

The VICE PRESIDENT appointed Mr. JOHNSTON of South Carolina and Mr. CARLSON members of the committee on the part of the Senate.

#### PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

##### By the VICE PRESIDENT:

A joint resolution of the Legislature of the State of California; to the Committee on Government Operations:

##### "SENATE JOINT RESOLUTION 2

"Resolution relative to use of labor of State prisoners for conservation of natural resources

"Whereas California and the Federal Government have a mutual responsibility for the protection and conservation of the natural resources of this Nation; and

"Whereas for many years this State has utilized on its public lands inmate labor from its prisons as a step in their rehabilitation and for the protection of the State's natural resources; and

"Whereas it was found and declared by this legislature during the 1959 regular session that the establishment of a California conservation camp program would further provide for the training and use of inmates and wards assigned to conservation camps in the development of public conservation facilities and work programs related to forest fire protection and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation; and

"Whereas it has now been determined that various Federal agencies concerned with conservation projects on Federal lands are precluded from joining with the State of California in accomplishing their mutual conservation responsibilities by Federal Executive Order No. 325-A, issued May 18, 1905, which order prohibits using persons undergoing sentences imposed by the courts of the several States to perform labor under contracts entered into by Federal officers; and

"Whereas, Executive Order No. 325-A appears to go far beyond the intent of the statute upon which it is based; namely, an

act of Congress of February 23, 1887, codified in section 436 of title 18, United States Code, inasmuch as that act refers only to hiring out the labor of prisoners confined for violation of laws of the Federal Government: Now, therefore, be it

"Resolved by the Senate and Assembly of the State of California (jointly), That the President of the United States be and is respectfully urged to amend the subject order in such a manner as to permit Federal agencies to cooperate with the State of California in the use of the services of prisoners of the State in conservation programs related to forest fire protection and control, forest and watershed management, recreation, fish and game management, soil conservation, and forest and watershed revegetation: *Provided, however,* That no such conservation projects will be undertaken to perform work otherwise performed by free labor and in competition to free labor; and be it further

"Resolved, That the secretary of the senate is directed to transmit copies of this resolution to the President of the United States, the Vice President of the United States, and to each Senator and Representative from California in the U.S. Congress."

A resolution of the Senate of the State of Maryland; to the Committee on Armed Services:

##### "SENATE RESOLUTION 7

"Senate resolution urging that the U.S. Naval Weapons Plant continue operation as an engineering and manufacturing control center for the Bureau of Naval Weapons at a personnel operational level based on its January 1, 1960, complement and that the same be modernized and expanded and its name changed to reflect the aforementioned mission

"Whereas the trend in development, engineering and manufacture of naval weapons and weapons systems has attained a high degree of technological complexity; and

"Whereas the United States, in order to obviate a purported declining defense posture, must increase its rate of technological progress exponentially; and

"Whereas the Federal executive and legislative bodies must take necessary measures to negate the existence of a technological deficiency by realizing its inherent ability to reduce reaction time during this period of international competition; and

"Whereas the aforementioned technological deficiency is the existence of a disastrous void between scientific or theoretical concept and resultant end product, namely: reliable, serviceable, safe, and almost maintenance-free hardware in the nature of missiles, missile systems, antimissile systems, and other advanced weapons; and

"Whereas the Naval Weapons Plant is an essential and indispensable function of the Naval Defense Establishment exhibiting such diversified capabilities in engineering, scientific, and industrial skills as to bridge the gap between weapons concepts and prototype manufactured hardware; and

"Whereas there is no comparable Bureau of Naval Weapons facility or defense contractor having the broad technical competence and versatility exemplified by experience in conception, design, engineering development, production engineering, prototype manufacture, and technical administration of weapons and weapons systems equivalent to the U.S. Naval Weapons Plant; and

"Whereas the Naval Weapons Plant is the only naval weapons establishment having the comprehensive technical competence and industrial ability in the field of structural fabrications, an area of vital importance in the development and manufacture of advanced weapons and weapons systems; and

"Whereas the Naval Weapons Plant has a complete complement of technical skills in the basic fields of the physical sciences and

engineering (physics, chemistry, metallurgy, materials, electrical, electronics, mechanical, structural) and superior technical abilities in optics, fire control, hydraulics, engineering management, and contract administration supplemented by designers, draftsmen, technicians, engineering aides, technical writers and editors; and

"Whereas the Naval Weapons Plant has a complete complement of industrial skills in metals processing, machining, fabrication, metals finishing, electroplating, heat treating, molding, casting, forging, electronics, and plastics to provide for requisite manufacture on a prototype or production basis; and

"Whereas the Naval Weapons Plant has provided consulting services to nationally recognized corporations in the fields of design, materials, and fabrication techniques taking the form of analyses critiques and advice in order to support programs in which these contractors are involved, thus facilitating the Navy Department's progress and control of varied projects; and

"Whereas the overall operational costs for the Naval Weapons Plant are not in excess of those found in comparable industry functioning under similar fiscal and workload control procedures; and

"Whereas the Naval Weapons Plant has displayed outstanding proficiency in contributing to the progress and development of new scientific, engineering, industrial, and related techniques necessary for the flexibility in conforming to the everchanging weapons and weapons systems concept and control of the naval defense complex; and

"Whereas the primary constitutional power and obligation to support the defense complex, which includes manpower and weapons, lies with the Federal legislative bodies of the United States; and

"Whereas the Federal legislative bodies have a legal right to delegate its defense powers to the Federal executive for necessary and proper administration; and

"Whereas, the contracting out of defense requirements to private industry in such manner as bestows an almost irrevocable financial and technical jurisdiction over vast defense programs without retaining in-house capabilities such as the Naval Weapons Plant for sufficient governmental control is tantamount to an unlawful delegation of power on the part of the Federal legislative body or a usurpation of the legislative power by the Federal executive body; and

"Whereas the citizens of Prince Georges county, and in fact the people of the entire State of Maryland, are vitally interested and affected in the premises aforementioned: Now, therefore, be it

"Resolved by the Senate of Maryland, That a change of name be effected for the Naval Weapons Plant that more realistically reflects the required functions and responsibilities necessary for support of the naval defense complex such as "Naval Weapons Engineering and Manufacturing Center"; and be it further

"Resolved, That the Navy Department provide the Naval Weapons Plant with a definite mission based on vital engineering and prototype manufacturing functions in lieu of the outmoded weapons and product concepts in order to continue the Naval Weapons Plant as an essential link in the chain of national defense; and be it further

"Resolved, That the Naval Weapons Plant continue to operate as an engineering and manufacturing center for the Bureau of Naval Weapons to maintain surveillance and provide adequate contract administration and field engineering services to contractors engaged in the fabrication of defense weapons and weapons systems, in order to prevent the Navy Department from relinquishing control over defense projects; and be it further



"Resolved, That the Navy Department, Bureau of Naval Weapons, provide adequate support for the Naval Weapons Plant and its sister establishments relating to continued modernization of physical plant, installation of necessary equipment, retention of in-house capabilities by sustaining a manpower level based on the January 1, 1960, complement at the Naval Weapons Plant, in order to promote the highest standard of efficiency in Government installations, keep them prepared for emergencies, provide industrial support, and assure control over the defense complex in accordance with the intent of the Federal legislative body; and be it further

"Resolved, That the Navy Department Bureau of Naval Weapons take cognizance of the potential capabilities, capacities, and importance of the Naval Weapons Plant and its sister establishments to the defense of the Nation and provide an adequate and judiciously balanced in-house workload that will insure compliance with the Federal Constitution in lieu of an apparent contravention by an unwarranted delegation of legislative and executive power over defense to private individuals; and be it further

"Resolved, That the secretary of the senate be instructed to send copies of this resolution to the President of the United States, the Vice President of the United States, Secretary of Defense, Secretary of the Navy, Under Secretary of the Navy, Assistant Secretary of the Navy for Materials, Rear Adm. P. D. Stroop, Chief of Bureau of Naval Weapons, Rear Admiral Hirsch, Assistant Chief of the Bureau of Naval Weapons for Fleet Readiness, Capt. Charles E. Briner, Superintendent, U.S. Naval Weapons Plant, all Members of the Congress and Senate of the United States.

"J. WATERS LAMB,  
"Secretary of the Senate.  
"GEORGE W. DELLA,  
"President of the Senate."

#### RESOLUTION OF CENTRAL KANSAS AND OKLAHOMA SWINE PRODUCERS ASSOCIATION

Mr. CARLSON. Mr. President, the Central Kansas and Oklahoma Swine Producers Association at its regular meeting adopted a resolution urging an expanded program of research on swine diseases.

Some work is being done in this field by Kansas State University and Oklahoma State University, but in view of the ever-increasing virus diseases, such as atrophic rhinitis and virus pig pneumonia, there is need for an expanded research program.

Kansas and Oklahoma are States in which swine production should be increased, because of the large sorghum crops that are being produced in that area. The feeding value of sorghum has been proven to be a good feed for growing and fattening hogs.

I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

Be it resolved, That by the unanimous vote of the members of the Central Kansas and Oklahoma Swine Producers Association it has come to the attention of the members of this association that new techniques in hog production are bringing to light virus hog diseases for which there are few preventives and treatments. We would like to have the research on swine diseases at Kansas State University enlarged and accelerated to

assist swine producers as the industry expands with the increased production of sorghum grains in this area.

The proper officials of said association are therefore directed to bring this resolution to the attention of the appropriate individuals. Passed this 23d day of February, 1960.

JASPER DeVORE,  
President, Central Kansas and Oklahoma Swine Producers Association.

#### REPORTS OF A COMMITTEE

The following reports of a committee were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 111. A bill for the relief of Aristogiton Zahariadis (Rept. No. 1163);

S. 1909. A bill for the relief of John Gelbert (alias Max Theodore Gelbert) (Rept. No. 1164);

S. 2406. A bill for the relief of Matias T. Falcasantos (Rept. No. 1165);

H.R. 6027. An act for the relief of Joseph J. O'Loughlin (Rept. No. 1166);

H.R. 7365. An act for the relief of Mrs. Nell C. Player (Rept. No. 1167);

H.R. 7933. An act for the relief of Mrs. Virginia Bond (Rept. No. 1168); and

H.R. 8106. An act to provide for the relief of certain members and former members of the Department of the Navy for the expenses of temporary storage of household effects (Rept. No. 1169).

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

S. 1720. A bill for the relief of Perry Lee Gorman (Rept. No. 1170);

S. 2554. A bill for the relief of Leila Finlay Bohin (Rept. No. 1171);

S. 2566. A bill for the relief of Peter Leo Bahr (Rept. No. 1172);

S. 2607. A bill for the relief of Krste Angeloff (Rept. No. 1173); and

S. 2619. A bill for the relief of Maria Criteilli Ventura (Rept. No. 1174).

By Mr. EASTLAND, from the Committee on the Judiciary, with amendments:

S. 684. A bill for the relief of Gerald Degan, William C. William, Harry Eakon, Jacob Beebe, Thorvald Ohnstad, Evan S. Henry, Henry Pitmatalk, D. LeRoy Kotila, Bernard Rock, Bud J. Carlson, Charles F. Curtis, and A. N. Dake (Rept. No. 1175); and

S. 2333. A bill for the relief of the heirs of Caroline Henkel, William Henkel (now deceased), and George Henkel (presently residing at Babb, Montana), and for other purposes (Rept. No. 1176).

By Mr. DIRKSEN, from the Committee on the Judiciary, without amendment:

S. 2330. A bill for the relief of John B. Manthey (Rept. No. 1162).

By Mr. KEFAUVER, from the Committee on the Judiciary, without amendment:

S. 2317. A bill for the relief of Mary Alice Clements (Rept. No. 1177).

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DIRKSEN:

S. 3192. A bill to readjust postal rates, and for other purposes; to the Committee on Post Office and Civil Service.

(See the remarks of Mr. DIRKSEN when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE:

S. 3193. A bill to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency;

and for other purposes; to the Committee on the District of Columbia.

(See the remarks of Mr. BIBLE when he introduced the above bill, which appear under a separate heading.)

By Mr. BIBLE (by request):

S. 3194. A bill to amend the acts of March 3, 1901, and July 15, 1939, as amended, so as to exempt the District of Columbia from paying fees in any of the courts of the District of Columbia; and

S. 3195. A bill to exempt from taxation certain property of the Army Distaff Foundation; to the Committee on the District of Columbia.

By Mr. HENNINGS (for himself and Mr. SYMINGTON):

S. 3196. A bill for the relief of Carmine Vincenzo Moccicola; to the Committee on the Judiciary.

By Mr. KEATING:

S. 3197. A bill to exempt the Public Health Service Act to provide to the fullest extent possible for the payment of all indirect costs of research projects supported under this act; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. ANDERSON (for himself and Mr. GOLDWATER):

S. 3198. A bill to amend the Indian Long-Term Leasing Act; to the Committee on Interior and Insular Affairs.

By Mr. HRUSKA:

S. 3199. A bill for the relief of the Adler Construction Co.; to the Committee on the Judiciary.

#### ADJUSTMENT OF POSTAL RATES

Mr. DIRKSEN. Mr. President, on March 11 the Postmaster General transmitted to the Senate a proposal to readjust postal rates. In the letter of transmittal was an adequate statement of the reasons for this measure, and I might add that it has had the concurrence of the President.

I therefore ask unanimous consent that this statement be printed in the RECORD, and at the same time I introduce, for reference to the appropriate committee, the bill drafted by the Post Office Department to effectuate this rate adjustment. I ask unanimous consent that the President's message to Congress on this point be also printed in the RECORD.

The PRESIDING OFFICER (Mr. BUSH in the chair). The bill will be received and appropriately referred; and, without objection, the letter and message will be printed in the RECORD.

The bill (S. 3192) to readjust postal rates, and for other purposes, introduced by Mr. DIRKSEN, was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The letter of transmittal and the message from the President, presented by Mr. DIRKSEN, are as follows:

OFFICE OF THE POSTMASTER GENERAL,  
Washington, D.C., March 11, 1960.

THE PRESIDENT OF THE SENATE,  
U.S. Senate, Washington, D.C.

DEAR MR. PRESIDENT: There is transmitted herewith for consideration by the Congress a legislative proposal to readjust postal rates.

The 85th Congress recognized the inequity of having all taxpayers subsidize oppressive post office deficits. The Postal Policy Act of 1958 directed that postage rates and fees be adjusted from time to time so that the Post

Office Department be self-supporting, aside from the cost of a few recognized public services. Present rates do not comply with the policy stated in this act. The administration is proposing that they be brought into compliance.

Postal costs, like all other business costs, have raced ahead in recent years. But revenues have lagged due to tardy and inadequate rate action. In first-class mail, for example, the cost of handling the average letter has increased more than 100 percent since 3-cent postage was first approved in 1932. In this same period, however, Congress increased rates only 33½ percent or 1 cent. This was in 1958 after a lapse of 26 years during which costs continued to increase. Even with a 5-cent rate the increase in postage since 1932 would only be 67 percent. The failure to adjust first-class postage to meet rising costs is the major reason for the insolvent state of postal finances today.

Public Law 85-426 recognized that the preferential services extended to first-class mail should be reflected in postage rates sufficient to cover allocated costs plus "the fair value of all extraordinary and preferential services, facilities, and factors related thereto." Current letter rates do not reflect the value of these extra services. In the prewar years from 1926 to 1941, revenues on first-class mail averaged 40 percent above allocated costs. Today, they are far below that level. A 1-cent increase in letter rates would go a long way toward restoring the long-recognized premium for this class of mail and fiscal responsibility in postal operations.

In the case of third-class mail, there are some 17 billion pieces delivered each year. Direct mail is now the second largest advertising medium in the Nation, exceeded only by newspaper advertising. When the 1958 rate increase is fully effective, the postage paid on the average piece of third-class mail will be less than 3 cents. But costs will exceed 4 cents. In other words, the taxpayer will carry the burden of paying over 1 cent for the average piece of third-class mail delivered to him. For a full year the total of all pieces delivered to all taxpayers will add up to a subsidy of nearly \$200 million, based on volume levels in 1959—the latest year for which actual data are available. We believe third-class mail should pay its own way without subsidy. The proposed rate increases for that class are a major step in this direction.

For second-class mail, the financial statistics are even more shocking. Some 26,000 publishers have bulk mailing privileges. About 6,000 of these are nonprofit organizations. The remainder account for most of the volume. In 1959 the 7.1 billion pieces of second-class mail accounted for about 12 percent of the pieces and 24 percent of the weight of all mail handled. Revenues, however, were only 2 percent of all mail revenues. When the 1958 rate increase is fully effective, the yearly subsidy to second-class mail users will still be almost \$300 million—only slightly less than at present—and revenues will still cover only about 26 percent of costs. Thus, the average piece of second-class mail, which consists largely of magazines, costs the Post Office Department about 4 cents more to handle than the amount of postage paid for the service. The proposed rate increases will cause second-class mail to pay a larger share of its costs.

It is difficult to view with detachment the payment of hundreds of millions of dollars each year by the taxpayers to a handful of publishers and to direct mail advertisers. That is the effect of the present subsidy to second- and third-class mailers.

Had it not been for this administration's intensified cost reduction program, the postal deficit would be substantially higher than it is today. Over 20 percent more mail was handled in 1959 than in 1953. Manpower increased only 7.6 percent and this was

mainly as a result of providing more city carriers in mushrooming suburban areas. Noncarrier employment increased only 2.2 percent. But efficiency gains can only help in controlling deficits. In the present instance rate increases are unavoidable.

I attach a statement highlighting proposed legislation. I urge all Members of Congress to support it. The elimination of oppressive postal deficits is of prime importance in sound national fiscal policy.

The Bureau of the Budget has advised the Department that enactment of this legislation is in accord with the program of the President.

Sincerely yours,

ARTHUR E. SUMMERFIELD,  
Postmaster General.

#### POST OFFICE DEPARTMENT SUMMARY OF PROPOSED POSTAL RATE INCREASES

##### FIRST CLASS MAIL

Section 2(a) provides for an increase on letter mail from 4 cents to 5 cents per ounce.

Section 2(b) provides a 1-cent increase on postal and postcards and drop letters.

##### AIRMAIL

Section 3 provides that airmail will pay postage at the rate of 8 cents per ounce except for air postal cards. In the latter case the rate is increased from 5 cents to 6 cents.

All first class matter weighing over 8 ounces will pay the current air parcel post rates, but not less than 64 cents for the first 8 ounces and 5 cents for each additional ounce.

All non-first-class air matter will pay 8 cents per ounce for the first 8 ounces and the current air parcel post zone rates for matter in excess of 8 ounces.

##### AIR PARCEL POST

Section 4 restores to the Postmaster General the authority to adjust from time to time the weight limit, size, rate of postage, zone or zones or conditions which the Congress originally granted to him but limited such authority to a period of 2 years. (Sec. 1, act of June 29, 1948, 62 Stat. 1097; 39 U.S.C. 475 (1)).

This section also modernizes and brings forward a proviso to the effect that first class matter weighing in excess of 8 ounces shall not be transmitted at a rate which is less than the applicable rate for surface letters.

##### SECOND-CLASS MAIL

Section 5 provides that all second-class matter mailed for delivery at the office of original entry will pay a flat charge of one-half cent per copy when delivery is made through post office boxes, general delivery, or rural or star route carriers.

All carrier delivered local mailings (including "additional entry" and "headquarters" copies) irrespective of frequency of issue, will pay per copy rates of 1 cent for copies weighing 2 ounces or less or 2 cents for copies weighing in excess of 2 ounces, or the zone pound rates if those rates are higher.

The zone pound rates for second-class mail (excluding classroom and nonprofit mailings) will be one-half cent for each individually addressed copy or bundle or unaddressed copies, plus the zone rate charges established by the Congress in Public Law 85-426.

Special rate publications of nonprofit organizations and publications for classroom use will pay postage at rates 50 percent below the prevailing zone pound rates for other regular second-class matter. In the case of carrier delivered local mailings, the per copy rates shall apply if they are higher.

##### CONTROLLED CIRCULATION PUBLICATIONS

The current rate of 12 cents per pound is increased by section 6 to 14 cents per pound

and the minimum rate will increase from 1 cent to 3 cents per piece.

##### THIRD-CLASS MAIL

The rate for individually mailed pieces of third-class mail will increase from 3 cents for the first 2 ounces and 1½ cents for each additional ounce to 4 cents and 2 cents, respectively. The pound rate for bulk mailings of books, catalogs, seeds, and plants will increase from 10 cents per pound to 14 cents per pound.

The pound rate for bulk mailings of circulars, other printed matter, and merchandise will increase from 16 cents per pound to 18 cents per pound.

The 2½ cent minimum per piece rate for bulk mailings of third class will increase to 3 cents.

Under the present law which provides for nonprofit organizations a 50-percent reduction of the regular minimum per piece rate, the minimum for these nonprofit organizations, will increase from 1½ cents to 1½ cents per piece. The provision in the present law that bulk rates are available only to matter in quantities not less than 20 pounds or less than 200 pieces is amended by changing "20 pounds" to "40 pounds."

The present minimum charge per piece of 3½ cents for articles of odd size or form is increased to 4½ cents.

##### FOURTH-CLASS MAIL

The preferential "book rate" for books and other fourth-class matter entitled thereto will be increased from 9 cents for the first pound and 5 cents for each additional pound to 10 cents for the first pound and 6 cents for each additional pound.

The rates for library books and other library materials when mailed by the authorized organizations will be increased from 4 cents for the first pound and 1 cent for each additional pound to 5 cents for the first pound and 3 cents for each additional pound—50 percent of the rate for books and other related materials.

##### EFFECTIVE DATES

The bill proposes that the rate revisions will become effective on July 1, 1960, with the exception of those increases relating to bulk third class mail. The bill proposes that the revisions in the bulk third-class mail rates will become effective January 1, 1961.

##### To the Congress of the United States:

In the budget message I urge the enactment of legislation to increase postal rates in order to eliminate the postal deficit. Several facts indicate the urgency of such action by the Congress.

The Postal Policy Act of 1958 definitely states that postal rates and fees shall be adjusted from time to time as may be required to produce the amount of revenue approximately equal to the total cost of operating the Postal Establishment, less the amount attributable to the performance of public services. That act directed the Postmaster General to submit to the Senate and House of Representatives no later than April 15 of this year the results of his survey of the need for the adjustment of postal rates and fees in accordance with this policy.

Because of the existing inadequate postal rates, the Post Office Department is losing \$2 million every working day. In the 13 years from July 1946 to June 1959 the postal deficits have been approximately as much as the entire cost of running the Federal Government in 1938. The cumulative \$6.8 billion postal deficit for these 13 years represents nearly one-half of the total increase in the Federal debt during this same 13-year period. Interest charges alone on the debt represented by this cumulative deficit are costing our taxpayers some \$200 million each year.



These huge postal deficits are phenomena of the years since World War II. In the years from 1900 to 1940 the losses of the Post Office Department averaged only \$33 million a year. Since that time—excluding the war years—these losses have increased astronomically. The tremendous losses incurred since World War II have been due to the increases in cost of everything the Department uses or buys, and to the failure of the Congress to enact postal rate increases to pay for the added costs. For example, since the increase in the first-class letter rate in 1932 from 2 cents to 3 cents, costs have more than doubled, but the first-class letter rate has been increased only one-third. The annual losses on second and third class mail, now in the hundreds of millions of dollars, are likewise growing.

It is imperative that Congress implement the policy it wisely established in 1958 of providing that the Post Office Department shall operate on a self-supporting basis. The Postmaster General is transmitting to the Congress the administration proposals for increases in postage rates on first, second, and third class mail to yield an estimated \$550 million of new postal revenues in the 1961 fiscal year. Responsibility in the handling of our public affairs demands prompt action, in this session, to restore the Post Office Department to its traditional posture of budgetary good sense.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, March 11, 1960.

#### NATIONAL CAPITAL TRANSPORTATION ACT OF 1960

Mr. BIBLE. Mr. President, a large and rapidly growing metropolitan city must count a well-planned and efficient mass transportation system of the highest importance. It serves the city we have. It guides the growth of the future city. The daily flow of hundreds of thousands of employees from their homes to their jobs cannot be satisfied by the private automobile alone, unless the city is to become a jungle of parking lots, its vital fabric scarred with costly new expressways, and its arterial highways hopelessly clogged with rush hour traffic. In the important and comprehensive role the private automobile plays in our lives, the daily journey to work is its least efficient and necessary use. A truly balanced metropolitan transportation system, in considering its total movement of people and goods, cannot ignore the need for mass transportation.

In Washington, D.C., such facts and guiding principles were recognized by Congress 5 years ago when it set in motion the Washington Mass Transportation Survey. This comprehensive, long-range study produced a transportation plan which was transmitted by the President to Congress last July. The transportation plan has received careful analysis by the Joint Committee on Washington Metropolitan Problems, which held extensive public hearings on it last November.

At these hearings, the Budget Bureau announced the administration's endorsement of the central proposal put forth in the transportation plan. Since then, the Budget Bureau has been preparing proposed legislation to set up a Federal agency to carry out certain parts of the plan. The Bureau has done a commendable job of consulting not only with

the various departments of the Federal Government, but with local officials, transit companies, civic organizations, and other interested groups in the Washington area. The Bureau of the Budget has transmitted its bill to Congress.

The findings of the Mass Transportation Survey, the recommendations of the executive departments as reported by the Bureau of the Budget, and the expressions of concern by local governments in the Washington metropolitan area, leave no doubt that the problem of mass transportation is urgent, and demands prompt action. Two recent editorials from the Washington Post and the Sunday Star emphasize that.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD, in connection with my remarks an editorial published in the Washington Star on March 13, and an editorial published in the Washington Post of March 14.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Mar. 13, 1960]

#### DOLLARS FOR SUBWAYS

The willingness of the Eisenhower administration to divert a good many Federal dollars—as well as Federal leadership—to the development of a truly effective rapid transit system in the National Capital area is most gratifying.

This declaration of intent, of course, is only a first step. The Washington transit legislation which the White House has proposed to Congress is quite complex and has a long road to travel. Its prospects of enactment are bright only if Members of Congress, citizens, and Government officials of the area are willing to view it with the same objective consideration given by the Federal Budget Bureau. If this can be done, however, we believe the essential soundness of the administration approach will be evident.

The new legislation amply recognizes the great stake which the Federal Government has in this region. It envisions practical, positive benefits that would accrue to the Federal Government from an orderly solution of Washington's frightening traffic problem, and this is the justification for the expenditure of Federal money—perhaps up to \$265 million in loans and appropriations over the next several years. On the other hand, the bill wisely incorporates a number of suggestions made by area officials for safeguarding local rights and making the transit program to the highest degree possible a local-Federal partnership.

There is a strong element of compromise, as well, in the proposal that Congress should initially set up only a temporary Federal agency, tightly restricted in its powers, whose main role would be to perfect rapid transit plans during the next 3 years. Only after July 1963, would this agency be replaced, either by a strong Federal corporation or—preferably—by a locally dominated authority set up by interstate compact.

It is not surprising that criticism of the administration's bill is already being heard, and many of its aspects require further study. We feel, for example, that more attention should be devoted to the future roles of existing transit companies and we see no reason why they should not participate fully in the operation of whatever transit facilities are developed.

These things, however, are matters of detail. On the whole, residents of this region should be delighted at the administration action and should give every consideration to its support. For one thing is certain: Only with the vigorous financial support of

the Federal Government does the area have the slightest chance to develop a system of rapid transit attractive enough to head off the strangulation of ever-increasing automobile traffic.

[From the Washington Post, Mar. 14, 1960]  
TOWARD "ONE CITY"

The administration has handed Congress a plan both bold and practical to meet Metropolitan Washington's long-term transportation needs. It is bold in its recognition that only with sizable Federal financial assistance can the city undertake the heavy investments in right-of-way, transit lines, and other facilities that will be needed. It is practical in its accommodation to local political realities, the chief of which seems to be the fear of some Virginia and Maryland authorities that the Federal Government might dominate the area's decisions on transportation and growth problems.

The administration plan provides for Federal leadership and fiscal help. At the same time it places the emphasis on the growth of local institutions to take over and develop fully the new facilities that are needed.

The scheme for Federal fiscal help is ingenious, and the most conservative Member of Congress ought to find it acceptable. Congress is asked to authorize an investment over 8 years of \$265 million in an initial subway line, right-of-way for other rail and vehicular facilities and related projects. Half would be in the form of repayable loans. The remainder would be a sort of a capital subscription which ultimately would be acquired, at least in part, by an interstate compact agency to be financed by transit, parking, and other revenues and perhaps local highway user taxes.

Federal funds would be advanced first to an agency of limited powers, concerned mostly with planning, while the negotiation of an interstate compact got under way. Later, if an interstate agency had not yet materialized, a successor Federal agency would come into being with broader powers to carry on the development program while the area continued to strive for an interstate agency to assume ultimate responsibility.

The greatest virtue of this somewhat intricate scheme is that it has the general support of the many local agencies and jurisdictions in the metropolitan area. But the plan is a delicate flower, a new and untested variety that promises the first blooming of much-needed "one city" thinking among local officials. Congress can by judicious watering and feeding nurture this promising growth. Mere indifference, however, might do it in.

When Congress has approved the pending interstate transit regulatory pact, already ratified by Maryland and Virginia, it ought to approve this next series of essential steps in meeting the Capital's transportation requirements.

Mr. BIBLE. Mr. President, a broad consensus of opinion has developed in the course of the studies and the efforts of the past 5 years.

Obviously, a number of major policy questions are involved in this proposed legislation, and there are likely to be differences of opinion on some parts of it. Now that the administration has submitted its proposal, it is up to Congress to give a full opportunity for all interested parties to express themselves at public hearings. Only then can we act intelligently on this important but complex legislation.

I should like to express the hope that before this Congress adjourns, it can consider and pass appropriate legislation



to deal with the mass transportation problems of the National Capital.

Mr. President, I now introduce for appropriate reference, the bill submitted by the Bureau of the Budget; and I request that the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. BENNETT in the chair). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3193) to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes, introduced by Mr. BIBLE, was received, read twice by its title, referred to the Committee on the District of Columbia, and ordered to be printed in the RECORD, as follows:

*Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,*

**TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS**

*Short title*

SEC. 101. This Act may be cited as the "National Capital Transportation Act of 1960".

*Declaration of policy and purpose*

SEC. 102. The Congress finds that an improved transportation system for the National Capital region is essential for the continued and effective performance of the functions of the Government of the United States and of the District of Columbia, for the orderly growth and development of the National Capital region, and for the preservation of the beauty and dignity of the Nation's Capital. The Congress further finds that improved transportation of persons requires coordination of the planning, financing, construction, and administration of highways and public transit and railroad facilities; and that improved transportation also requires coordination with other public facilities and with the use of land, public and private. The Congress therefore declares that it is the continuing policy and responsibility of the Federal Government, in cooperation with the State and local governments of the National Capital region, to make full use of private enterprise wherever appropriate for the transportation of persons in the region; to administer this Act so as to recognize and preserve the advantages of both private and public contributions to the development of such transportation; to promote safe, adequate, economical, and efficient service within the region without unjust discriminations, undue preferences or advantages—all to the end of developing a unified and integrated system of transportation of persons in the National Capital region.

In order to bring into being an improved transportation system, the Transportation Plan—National Capital Region, prepared pursuant to the National Capital Planning Act of 1952 (66 Stat. 781) and the Second Supplemental Appropriations Act of 1955 (69 Stat. 33), recommends, among other things, that the Congress consent to and approve the Washington Metropolitan Area Transit Regulation Compact and create a temporary Federal agency to initiate the detailed programing and development of the transportation system, pending the negotiation and execution of an interstate compact creating a new interstate proprietary agency

to succeed both the Federal agency and the Washington Metropolitan Area Transit Regulation Compact Agency.

It is the purpose of this Act to create such temporary Federal agencies as are necessary and to authorize the negotiation of an interstate compact to create an interstate proprietary agency to take over the functions of either the temporary Federal Agency or Corporation provided for under titles II and III of this Act in order to enable each agency of government, Federal, State, and local, to play its most effective role in providing a unified and integrated system of transportation for the National Capital region.

*Definitions*

SEC. 103. When used in this Act—

(a) "National Capital region" means the District of Columbia, Montgomery, and Prince Georges Counties in the State of Maryland, Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and all other cities now or hereafter existing in Maryland or Virginia within the geographic area bounded by the outer boundaries of the combined area of said counties and cities.

(b) "Government agency" and "government agencies" means the Government of the United States, District of Columbia, Commonwealth of Virginia, State of Maryland, or any political subdivision, agency, or instrumentality thereof which is located within, or whose jurisdiction includes all or part of the National Capital region; the term includes, but is not limited to, public authorities, towns, villages, cities, other municipalities, and counties.

**TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY**

*National Capital Transportation Agency*

SEC. 201. (a) There is hereby established the National Capital Transportation Agency (hereinafter referred to as the "Agency"). The Agency shall be headed by an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$20,000 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Agency there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$19,000 per annum. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

(c) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Agency. No Administrator or Deputy Administrator or member of the Advisory Board (established in section 202) shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling of passenger transportation equipment or facilities.

*Advisory Board*

SEC. 202. There is established an Advisory Board of the National Capital Transportation Agency. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as Chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Agency; Agency

policies in connection with acquisition, design, and construction of facilities; fees for the use of Agency facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

*Advisory and Coordinating Committees*

SEC. 203. (a) The Administrator is authorized to establish such advisory and coordinating committees composed of representatives of State and local governments, Federal agencies, other government agencies, and such private organizations and persons as may be necessary or helpful to obtain the maximum amount of cooperation and correlation of effort in order that a unified and integrated system of transportation be developed for the National Capital region. These advisory and coordinating committees shall consider problems referred to them by the Administrator and shall make recommendations to the Administrator concerning the activities of the Agency as they affect transit, traffic and highway conditions, and other matters of mutual interest to the Agency and to the government agencies, organizations, and persons represented on the advisory and coordinating committees.

(b) The advisory and coordinating committees shall serve the Agency solely in an advisory capacity. Members of such committees shall serve thereon without additional compensation. Members who are not representatives of an agency of the United States may receive travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons serving without compensation.

*Preparation and Approval of Transit Development Program*

*SEC. 204. The Agency—*

(a) Shall prepare, and may from time to time revise, a transit development program. The transit development program shall consist of a plan or plans indicating the specific location and extent of facilities in which the Agency will participate for the transportation of persons within the National Capital region, a timetable for the provision of such facilities and comprehensive financial reports including costs, revenues, and benefits. The transit development program may indicate (1) the routes of surface, subsurface, and elevated carriers, including bus and other motor vehicle carriers, rail carriers, waterborne carriers, air carriers, and other carriers, and (2) the location and extent of terminals, stations, platforms, motor vehicle parking facilities for transit users, extrawide median strips and other rights-of-way, docks, rails or tracks or other similar facilities, bridges, tunnels, buildings or structures, powerplants, repair shops, yards, garages, and other necessary facilities relating to the transportation of persons. The transit development program shall, to the extent practicable, conform to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital within the meaning of sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781), except as may be determined by the President.

(b) In order to facilitate the transition from a Federal agency to an interstate proprietary agency and to further coordination



within the National Capital region, shall submit the transit development program and any revision thereof: (1) to the governing bodies of the District of Columbia, Montgomery, and Prince Georges Counties in the State of Maryland, and Arlington, Fairfax, Loudoun, and Prince William Counties and the cities of Alexandria and Falls Church in the Commonwealth of Virginia, and the transit regulatory bodies having jurisdiction in the National Capital region for review and comment; (2) to such organizations of government agencies or officials concerned with the solution of the community development problems of the National Capital region on a unified metropolitan basis that is now in existence or which may be created by agreement, law, or compact for review and comment; (3) to the Commission of Fine Arts for review and comment; (4) to private companies transporting persons in the National Capital region for review and comment; and (5) to the Governors of Maryland and Virginia or such government agencies as they may designate for approval of the location and extent of proposed Agency facilities and the timetable for the provision of such facilities within Maryland and Virginia, respectively; and except as provided in subsection (c) of this section, the Agency shall not acquire, construct, or operate property, rights-of-way, or facilities indicated in the transit development program or a revision thereof within the State in which such property, rights-of-way, or facilities are located unless prior thereto the Governor of the State involved or such government agency as he may designate shall have approved the transit development program or the pertinent revision thereof.

(c) Until the transit development program has been approved by the Governor of Maryland or Virginia as provided in subsection (b) of this section, shall, when it proposes to acquire, construct, or operate property, rights-of-way, or facilities located in Virginia or Maryland, first submit plans and other information showing in detail the purposes for which such property, rights-of-way, or facilities are to be used to the Governor of the State in which the property, rights-of-way, or facilities are to be located, or to such Government agency as may be designated by the Governor. The Agency may acquire, construct, or operate such property, rights-of-way, or facilities, as the case may be, in the State upon approval of the Governor thereof, or of the designated Government agency.

#### Functions, duties, and powers

Sec. 205. (a) Subject to the provisions of this title, the agency—

(1) Except as provided in the proviso of paragraph (2) of this subsection, may acquire (by purchase, lease, condemnation, or otherwise) or construction facilities, property, and rights-of-way for the transportation of persons within the National Capital region. Such facilities, property, and rights-of-way may include those enumerated under section 204(a) or any other necessary facilities, property, or rights-of-way relating to transportation of persons. The agency may contribute funds for the acquisition of rights-of-way for, and the construction of, limited amounts of freeway, parkway, and other arterial highway facilities, including construction incidental to the use and protection of such rights-of-way for transit facilities, to the Government agencies having jurisdiction thereof, if, in the opinion of the agency, such contributions are necessary to the fulfillment of the objectives of this Act;

(2) May operate all facilities acquired or constructed by it, or may enter into agreements with Government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transit services making use of other fa-

cilities and operating rights: *Provided*, That the agency shall not acquire the facilities, property, or rights-of-way of private transit companies and persons, or operate buses or similar motor vehicles or make agreements for the provision of such services;

(3) Shall encourage private transit companies to provide needed services in a manner consistent with the transit development program;

(4) May lease space or property owned or acquired by the agency, or may contract with persons for the purpose of constructing and operating facilities, which, in the opinion of the agency, will encourage or facilitate the use of transit facilities of the agency. Rentals or other fiscal arrangements in connection with such leases or contracts shall be adjusted so that undue competitive advantage is not given over other persons in the National Capital region: *Provided*, That in the operation of such facilities, the lessee or franchise holder shall comply with all applicable Federal, State, and local building and zoning laws, ordinances, and regulations;

(5) May enter into and perform contracts, leases and agreements, and other transactions with any government agency, private transit company, railroad, or other persons;

(6) May sell or lease advertising space or may contract with responsible persons for the sale or lease of such space: *Provided*, That the lessee or contractee shall comply with all applicable Federal, State, and local zoning and advertising laws, ordinances, and regulations;

(7) Shall cooperate with government agencies to facilitate coordination of location, design, and construction of freeways, parkways, and other arterial highway facilities with the transit development program. The purpose of such coordination is to assure the comprehensive development of transportation facilities best suited to meet the objectives of this Act and to achieve maximum benefits from moneys available for such purposes. The responsibility and authority for location, design, construction, and operation of freeways, parkways, and other arterial highway facilities shall remain with the government agencies having jurisdiction thereof, but all Federal agencies' plans for location and design of highway facilities shall be forwarded to the Agency, and all State and local agencies' plans for location and design of highway facilities may be requested by the Agency for its review and comment. The Agency shall cooperate with all planning agencies of the National Capital region and the appropriate government transportation regulatory agencies including the Washington Metropolitan Area Transit Commission in the development of transportation facilities and, wherever feasible and desirable, develop joint plans with such agencies;

(8) May initiate proposals for regulating and coordinating the flow of traffic in the National Capital region so as to promote the optimum use of the highway network and other transportation facilities;

(9) May make or participate in studies of all phases of transportation into, within, and out of the National Capital region, including transit vehicle research and development and fiscal research studies. The Agency may publicize and make available the results of such studies and other information relating to transportation;

(10) May appoint and fix the compensation of officers, attorneys, agents, and employees; may define their powers and duties; may require bonds for the faithful performance of their duties; may employ experts and consultants or organizations thereof as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810), at rates not to exceed \$100 per diem for individuals;

(11) In carrying out the functions vested in him by this Act, the Administrator, sub-

ject to the standards and procedures of section 505 of the Classification Act of 1949, as amended, is authorized to place not to exceed five positions in grades 16, 17, or 18 of the general schedule established by such Act. Such positions shall be in addition to the number of positions authorized to be placed in such grades by such section 505; and

(12) May make such expenditures at the seat of government and elsewhere as may be necessary for the exercise and performance of the powers and duties vested in the Agency and as from time to time may be appropriated for by the Congress, including expenditures for (1) rent and personal services at the seat of government and elsewhere; (2) travel expenses; (3) office furniture, equipment and supplies, lawbooks, newspapers, periodicals, and books of reference (including the exchange thereof); and (4) printing and binding.

(b) The powers vested in the Agency shall not be exercised beyond the confines of the National Capital region, but this subsection shall not affect the carrying out by the Agency and by other government agencies or private persons of developmental or research work within or outside of the National Capital region.

(c) Every agency or instrumentality of the Government of the United States and of the government of the District of Columbia may enter into agreements with the Agency in respect of any matter for which such agreements are authorized pursuant to this Act.

(d) The provisions of section 355 of the Revised Statutes, as amended (40 U.S.C. 255), shall be applicable to property acquired by the Agency. Proceedings in behalf of the Agency for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of March 1, 1929 (45 Stat. 1415), as amended, and of property elsewhere, under the Act of August 1, 1888, as amended (40 U.S.C. 257), or other applicable Act.

(e) The Agency shall prepare annually a report of its activities. The Administrator shall forward copies of the report to the President, and the President shall transmit a copy thereof to the Congress, the State of Maryland and the Commonwealth of Virginia, and to each county and city in the National Capital region.

(f) Such sums as shall be required to carry out the purposes of this title are authorized to be appropriated.

#### TITLE III—CREATION OF A NATIONAL CAPITAL TRANSPORTATION CORPORATION

##### *National Capital Transportation Corporation*

Sec. 301. (a) On or after July 1, 1963, the President is authorized to create a National Capital Transportation Corporation (hereinafter referred to as the "Corporation") which shall be an agency and instrumentality of the United States, subject to the direction and supervision of the President, or the head of such department or agency as he may designate. On the date the Corporation is created, the Agency shall cease to exist. The Corporation shall not be created if the operations of the Agency have previously been assumed by the Interstate Proprietary Agency to be developed under to compact contemplated in title IV of this Act, and, prior to creating the Corporation, the President shall give due regard to progress which may have been made toward the negotiation of such compact and the establishment of the Interstate Agency.

(b) When created, the Corporation shall assume the powers and functions of the Agency as provided in sections 203, 204, and 205 of this Act, together with such additional functions as are set forth in this title: *Provided*, That the provisions of sections 204(b)(5) and 204(c) and the proviso in section 205(a)(2) shall not apply to the



Corporation; and provided further, That the Governors of Maryland and Virginia shall be afforded the opportunity to review and comment on the Transit Development Program of the Corporation and any revision thereof.

(c) When created, the President may transfer to the Corporation the property, real, personal, and mixed, tangible or intangible, or any interest therein, owned and held by the Agency, together with the records and personnel of the Agency and all sums due or to become due to the United States by virtue of any service rendered or facilities furnished in connection with the operations of the Agency, or under any contract executed by, or on behalf of, the Agency in connection with its activities. The Corporation shall assume the performance on behalf of the United States of all existing contracts and agreements theretofore executed by, or on behalf of, the Agency in connection with its activities, and shall further assume all liabilities of the United States in connection with such activities.

#### *Management of the Corporation; Advisory Board*

Sec. 302. (a) The management of the Corporation shall be vested in an Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$20,000 per annum.

(b) To assist the Administrator in the execution of the functions vested in the Corporation there shall be a Deputy Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$19,000 per annum. The Deputy Administrator shall perform such duties as the Administrator may from time to time designate and shall be Acting Administrator during the absence or disability of the Administrator.

(c) There is established an Advisory Board of the National Capital Transportation Corporation. The Advisory Board shall be composed of five members appointed by the President, by and with the advice and consent of the Senate, at least three of whom shall be residents of the National Capital region. The President shall designate one member as chairman. The Advisory Board shall meet at least once every ninety days. The Advisory Board shall advise the Administrator in respect of such matters as the general policies of the Corporation; the Corporation's policies in connection with acquisition, design, and construction of facilities; fares, tariffs, rentals, or other fees for the use or operation of Corporation facilities and property; planning and administration generally; and such other matters as may be referred to it by the Administrator or which the Advisory Board, in its discretion, may consider. Each member of the Advisory Board, when actually engaged in the performance of his duties, shall receive for his services compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the General Schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis.

(d) No Administrator or Deputy Administrator shall, during his continuance in office, be engaged in any other business, but shall devote himself to the work of the Corporation. No Administrator or Deputy Administrator or member of the Advisory Board shall have financial interest in any corporation engaged in the business of providing public transportation nor in any corporation engaged in the manufacture or selling

of passenger transportation equipment or facilities.

#### *Principal Office; Venue; Other Offices; Use of Funds for Office Buildings*

Sec. 303. The Corporation shall have its principal office in the District of Columbia and, for the purposes of venue in civil actions, shall be a resident thereof. The Corporation may establish offices in other parts of the National Capital region.

#### *Powers of Corporation*

Sec. 304. For the purposes of carrying out the objectives and functions of the Corporation as set forth in this Act, and in the conduct of its business, the Corporation—

(1) May adopt, alter, and use a corporate seal, and such seal shall be judicially noticed;

(2) May adopt, amend, and repeal by-laws, rules, and regulations;

(3) May sue and be sued in its corporate name in any court of competent jurisdiction: *Provided*, That nothing herein shall be construed to exempt the Corporation from the application of sections 507(b) and 2679 of title 28, United States Code, or of section 367 of the Revised Statutes (5 U.S.C. 316);

(4) May accept gifts or donations of property;

(5) May acquire, by purchase, lease, condemnation, or in other lawful manner, any property whether real, personal, or mixed, tangible or intangible, and any interest therein, and may hold, maintain, use, and operate such property and may sell, lease, or otherwise dispose of the same at such time, in such manner, and to the extent deemed necessary or appropriate to carry out authorized corporate functions;

(6) May operate all facilities acquired or constructed by it or may enter into agreements with government agencies, private transit companies, railroads, or other persons for the operation of its facilities, the use of its operating rights, or the provision of transportation services making use of other facilities and operating rights;

(7) Shall contribute, from the respective appropriation or fund used for payment of salaries, pay, or compensation, to the civil service retirement disability fund, a sum as provided by section 4(a) of the Civil Service Retirement Act, as amended (70 Stat. 747; 5 U.S.C. 2254(a)), except that such sum shall be determined by applying to the total basic salaries (as defined in that Act) paid to the employees of the Corporation covered by that Act, the per centum rate determined annually by the Civil Service Commission to be the excess of the total normal cost per centum rate of the civil service retirement system over the employee deduction rate specified in said section 4(a). The Corporation shall also contribute at least quarterly from such appropriation or fund, to the employees' compensation fund, the amount determined by the Secretary of Labor to be the full cost of benefits and other payments made from such fund on account of cases arising from injuries to its employees which may hereafter occur. Such Corporation shall also pay into the Treasury as miscellaneous receipts that portion of the cost of administration of the respective funds attributable to its employees, as determined by the Civil Service Commission and the Secretary of Labor;

(8) May determine the character of and the necessity for its obligations and expenditures, and the manner in which they shall be incurred, allowed, and paid, subject to provisions of law specifically applicable to Government corporations.

(9) May use the United States mail in the manner, and under conditions prescribed for the executive departments, agencies, and independent establishments of the United States Government;

(10) Shall set fares, tariffs, and other rates and charges to the public for the services rendered by its facilities. Such fares,

tariffs, or other rates and charges shall be established at such levels that the revenues of the Corporation may be reasonably expected to cover all costs of operating and maintaining the facilities under the administration of the Corporation, including depreciation, payment of interest as prescribed in subsection (b) of section 305 of this Act and on the obligations issued to the Treasury of the United States, and payments in lieu of taxes. In determining its fare structure, the Corporation shall also take into account the fare structure of existing transit companies subject to regulation by the Washington Metropolitan Area Transit Commission or other appropriate regulatory agencies to the end that, to the extent possible, fares throughout the National Capital region shall be reasonably comparable and nondiscriminatory. The Corporation is not required, however, to operate any particular portion of its facilities without loss but may set fares, tariffs, or other rates and charges on the basis of all of its facilities considered as a whole. When, in the opinion of the Corporation, it is in the best interest of the Corporation not to charge fares, tariffs, or other rates and charges for a particular facility, the Corporation is not required to levy such charge, but no free passes or other similar remunerative benefits shall be given any individual or class of persons without specific approval by the Corporation after notice and hearing. The Corporation may enter into agreements with other Government agencies or persons for the establishment of combination fares. Except as herein provided the Corporation is authorized to charge any Government agency for facilities and services at the rates charged to the public, or to charge a lump sum which in the aggregate would approximate the total of the individual charges incurred by the using Government agency.

(11) Shall have in the payment of debts and of bankrupt or insolvent estates, the priority of the United States under section 3466 of the Revised Statutes (31 U.S.C. 191);

(12) May execute, in accordance with its bylaws, rules, or regulations all instruments necessary or appropriate in the exercise of any of its powers;

(13) May settle and adjust claims held by it against other persons or parties and by other persons or parties against the Corporation;

(14) May take such actions as may be necessary or appropriate to carry out the powers and duties specifically conferred upon the Corporation by this Act; and

(15) Shall, prior to establishing, extending, curtailing or abandoning any transportation or other service and prior to prescribing or changing any fares or charges to the public for the use of its services or facilities, hold a public meeting, upon thirty days' notice given by release to all the daily newspapers of general circulation published in the National Capital region, at which interested persons or organizations shall be afforded an opportunity to comment, either orally or in writing as may be determined by the Corporation, on the action proposed to be taken by the Corporation. The Corporation, however, shall have sole and exclusive control over all matters relating to services rendered by its facilities and to fares, tariffs, and other rates and charges therefor.

#### *National Capital transportation fund*

Sec. 305. (a) Upon creation of the Corporation, there shall be established a National Capital Transportation Corporation fund (hereinafter referred to as the "fund"), to be held and administered by the Corporation. The capital of the fund shall consist of:

(1) Such amounts as may be advanced to the fund upon the request of the Administrator from appropriations made for that purpose;



(2) The unexpended balances of any appropriations available for the operations of the Agency as may be determined by the Administrator and approved by the Director of the Bureau of the Budget; and

(3) The value of the assets of the Agency, less its liabilities, as of the date of the creation of the Corporation. The value of the assets shall be determined by the Administrator, subject to the approval of the Director of the Bureau of the Budget, taking into consideration original cost, less depreciation, the usable value of the properties transferred, if clearly less than cost, and other reasonably determinable factors which would affect the value of the assets of the Agency.

(b) Unless the Congress otherwise directs, the Corporation shall pay into the Treasury of the United States as miscellaneous receipts at the close of each fiscal year interest on the capital of the fund as follows:

(1) The interest rate on the capital advances made at the time the fund is established shall be determined by the Secretary of the Treasury, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of such determination on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. The interest rate so established shall remain in effect for so long as any part of the amount to which such interest applies remains in the capital of the fund; and

(2) The interest rate on the subsequent portion of the capital advances to the fund on which interest is to be paid shall be determined by the Secretary of the Treasury at the time such advance is made, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of such determination on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. Such interest rate shall remain in effect for so long as any part of such advance remains in the capital of the fund.

(c) Whenever any capital in the fund is determined by the Administrator to be in excess of the Corporation's current needs, such capital shall be credited to the appropriation from which advanced, where it shall be held for future advances. The capital of the fund shall be considered reduced by the net amount of such credits. Appropriations or other funds received shall be used solely for the purposes of the Corporation as set forth in this Act. Whenever it is determined that the appropriation contains funds in excess of the needs of the Corporation, the appropriation shall be reduced by an amount equivalent to such excess.

(d) Such sums as may be required to carry out the purposes of this title are authorized to be appropriated without fiscal year limitations.

(e) Receipts from operations under this Act shall be credited to the fund. The fund shall be available for payment of all obligations and expenditures of the Corporation under this Act.

(f) Appropriations are hereby authorized for payment of such amounts as may be shown in the annual budget program of the Corporation as necessary to cover actual losses of prior years sustained in the conduct of its activities under this fund. Amounts appropriated to the fund under authority of this subsection shall not be added to the amount of advances and shall not require payment of interest under subsection (b) of this section.

#### Borrowing From Treasury

SEC. 306. To finance its activities the Corporation may borrow from the Treasury of the United States within amounts approved

in appropriation acts sums of money not to exceed an amount equal to the total capital of the fund outstanding at any one time. For this purpose the Corporation may issue to the Secretary of the Treasury its bonds, notes, debentures, or other obligations. Such obligations shall have maturities agreed upon by the Corporation and the Secretary of the Treasury. At the option of the Corporation, such obligations may be redeemed before maturity in such manner as may be stipulated in the obligations. Each obligation shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average yield to maturity at the end of the calendar month next preceding the date of issuance on all outstanding interest-bearing marketable obligations of the United States having a maturity date of fifteen or more years from the end of such calendar month. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Corporation to be issued pursuant to this section and, for such purpose, the Secretary of the Treasury is authorized to use as a public-debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended. The purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Corporation's obligations hereunder.

#### Exercise of Powers; New Programs

SEC. 307. The Corporation shall have and may exercise such specific powers, in addition to those elsewhere conferred in this Act, as may be deemed necessary to protect, operate, improve, and maintain its transit facilities and other properties, and appurtenances thereto, as business enterprises and public service facilities: *Provided*, That the Corporation shall undertake no new types of activities not included in the annual budget program prescribed by section 102 of the Government Corporation Control Act of 1945 (59 Stat. 598), as amended (31 U.S.C. 847).

#### Payments to States and Local Governments in Lieu of Certain Taxes

SEC. 308. The Corporation is authorized to make payments to State and local governments, including the District of Columbia Government, in lieu of property taxes upon property within the National Capital region which was subject to State and local taxation before acquisition by the Corporation or the Agency. Such payments shall be in the amounts, at the times, and upon such terms as the Corporation in its discretion determines to be appropriate. No payment shall be made in excess of the taxes which would have been payable for such property except where special burdens are placed upon the State, District of Columbia, or local government by the activities of the Corporation or its agents. The Corporation, its property, franchises, and income are expressly exempted from taxation in any manner or form by any government agency but such exemption shall not extend to contractors for the Corporation.

#### Amendment of Government Corporation Control Act

SEC. 309. Upon establishment of the National Capital Transportation Corporation by the President, section 101 of the Government Corporation Control Act, as amended, is further amended by inserting therein, after the words "Saint Lawrence Seaway Development Corporation;" the words "National Capital Transportation Corporation;"

#### Succession

SEC. 310. The Corporation shall have succession until dissolved by Act of Congress. It is the intent of the Congress that the Corporation shall continue as a wholly owned United States Government corporation only until such time as Congress, by consenting

to a compact contemplated by title IV of this Act, authorizes the Corporation to be replaced by an interstate proprietary agency.

#### TITLE IV—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE AGENCY

##### Interstate Proprietary Agency

SEC. 401. (a) The consent of Congress is hereby given to the State of Maryland and the Commonwealth of Virginia and the Board of Commissioners of the District of Columbia to negotiate a compact for the establishment of an interstate proprietary agency to implement generally the objectives of this Act. No such compact shall be binding upon the parties thereto unless and until it has been approved by the Congress.

(b) As promptly as practicable after the State of Maryland and the Commonwealth of Virginia have approved a compact for the establishment of an interstate proprietary agency to implement generally the objectives of this Act, the President shall submit to the Congress such recommendations as may be necessary or desirable to transfer to the interstate proprietary agency such real and personal property, personnel, records, other assets, and liabilities as are appropriate in order that the interstate proprietary agency may assume the functions and duties of the Agency or Corporation.

(c) The President shall appoint a person to participate in the compact negotiations and to represent the United States generally. The Federal representative shall report to the President either directly or through such agency or official of the Government as the President may specify.

(d) The Federal representative, if not otherwise employed by the United States, shall receive for his services, when actually engaged in the performance of his duties, compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule of the Classification Act of 1949, as amended, together with travel expenses as authorized by section 5 of the Act of August 2, 1946, as amended (5 U.S.C. 73b-2), for persons employed intermittently as consultants or experts and receiving compensation on a per diem when actually employed basis: *Provided*, That if the Federal representative shall be an employee of the United States he shall serve without additional compensation.

(e) The Federal representative shall be provided with office space, consulting, engineering, and stenographic service, and other necessary administrative services.

(f) The compensation of the Federal representative shall be paid from the current appropriation for salaries in the White House Office. Travel and other expenses provided for in subsections (d) and (e) of this section shall be paid from any current appropriation or appropriations selected by the head of such agency or agencies as may be designated by the President to provide for such expenses.

(g) The State and Federal representatives appointed to participate in the compact negotiations are authorized to request from the Agency or Corporation any information they deem necessary to carry out their functions under this section; and the Agency or Corporation is authorized to cooperate with the compact representatives and, to the extent permitted by law, to furnish such information upon request made by the compact representatives.

#### Separability

SEC. 402. If any part of this Act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the applicability of such part to other persons and circumstances and the constitutionality or validity of every other part of the Act shall not be affected thereby.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed in the RECORD, following the printing of the bill, a sectional analysis of the bill. It analyzes very carefully each section of the bill; and I believe the analysis will be of definite value to those who are interested in this mass transportation problem.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

#### TITLE I—SHORT TITLE, DECLARATION OF POLICY, AND DEFINITIONS

##### SHORT TITLE

Section 101 provides that the act may be cited as the National Capital Transportation Act of 1960.

##### DECLARATION OF POLICY AND PURPOSE

Section 102 sets forth the congressional finding of the need for an improved transportation system for the National Capital region and the need for coordination among various developers of transportation facilities. It is declared that the continuing policy and responsibility of the Federal Government, in cooperation with State and local government and private enterprise, is to aid in the development of a unified and integrated system for the transportation of persons in the National Capital region. The section states that the purpose of the act is to create necessary temporary Federal agencies to carry out that policy and to authorize negotiation of a compact to create an interstate proprietary agency to take over the functions of the Federal agencies.

##### DEFINITIONS

Section 103, in subsection (a), defines the "National Capital region" as used in the act to mean the District of Columbia; Montgomery and Prince Georges Counties in Maryland; Arlington, Fairfax, Loudoun and Prince William Counties in Virginia; Alexandria and Falls Church cities in Virginia; and all other cities existing within the boundaries of those counties. The area defined is identical in substance to the National Capital region refined in section 1(b) of the National Capital Planning Act of 1952.

Subsection (b) of section 103 defines the term "government agency" or "government agencies" as used in the act to mean the governments of the United States, District of Columbia, Virginia, and Maryland, and their subdivisions, agencies and instrumentalities located in, or whose jurisdiction includes all or part of the National Capital region. The language provides a convenient, short reference to the large group of public bodies covered.

#### TITLE II—CREATION OF A NATIONAL CAPITAL TRANSPORTATION AGENCY

##### NATIONAL CAPITAL TRANSPORTATION AGENCY

Section 201, in subsection (a), establishes, as a Federal instrumentality, the National Capital Transportation Agency and provides that it be headed by an Administrator, appointed by the President with Senate confirmation. The Administrator would receive compensation at a rate of \$20,000 per annum. It is intended that the Agency be temporary in nature and that it be superseded by the Federal corporation or interstate proprietary agency covered in titles III and IV of the act. Its functions run largely to development of plans for a mass transit system and the acquisition and development of certain properties and facilities necessary for mass transit. It is not intended to operate basic transit facilities.

Subsection (b) provides for the appointment, by the President with Senate confirmation, of a Deputy Administrator to perform duties assigned by the Administrator and to act for the Administrator during his

absence or disability. The Deputy Administrator would receive compensation at a rate of \$19,000 per annum.

Subsection (c) requires the Administrator and Deputy Administrator to engage only in the business of the Agency during their time in office and requires that they, and members of the Advisory Board established in section 202, have no financial interest in any other enterprise engaged in providing public transportation or the manufacture or selling of passenger transportation equipment or facilities. The language is intended to prevent possible conflicts of interest between the public and private activities of Agency officers.

##### Advisory Board

Section 202 provides for the establishment of the Advisory Board of the Agency to be composed of five members, appointed by the President with Senate confirmation. At least three members are to be residents of the National Capital region. The President is required to designate one member as chairman. The Board would be required to meet at least every 90 days and would advise the Administrator generally on Agency policies. Board members would receive compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule under the Classification Act of 1949, as amended (5 U.S.C., sec. 1113 (b)), when performing their duties. They would also receive travel expenses as authorized for experts and consultants by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2).

##### Advisory and coordinating committees

Section 203, in subsection (a), authorizes the Administrator to establish, for varying periods, other necessary advisory and coordinating committees composed of representatives of public and private organizations and other persons to obtain maximum cooperation, assistance, and local coordination in the development of a transportation system for the National Capital region. The committees would consider problems referred to them by the Administrator and make recommendations to him on matters of mutual interest.

Subsection (b) of section 203 provides that members of committees established under subsection (a) will receive no additional compensation for their activity on such committees, but authorizes members, who are not Federal employees, to receive travel expenses as authorized for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2).

##### Preparation and approval of transit development program

Section 204, in subsection (a), requires the Agency to prepare a basic and comprehensive plan to be called the transit development program and authorizes the Agency to revise such program from time to time. The program would consist of plans, including routes and locations, for facilities for the transportation of persons in the National Capital region, a timetable for providing the facilities, and comprehensive financial reports on costs and revenues. The program is to conform, insofar as practicable, to general plans for the National Capital region developed under sections 3, 4, and 5 of the National Capital Planning Act of 1952 (66 Stat. 781).

Subsection (b) of section 204 requires that the program and revisions thereof be submitted for review and comment to the governments of the District of Columbia, Montgomery, Prince Georges, Arlington, Fairfax, Loudoun, and Prince William Counties; the cities of Alexandria and Falls Church; the transit regulatory bodies of the region; any governmental organization concerned with community development problems in the National Capital region; the Commission on

Fine Arts and the private transit companies of the region. The program and revisions thereof would also have to be submitted to the Governors of Maryland and Virginia for approval of the location and extent of Agency transportation facilities and the timetable for their provision in Maryland and Virginia, respectively. The Agency would not be permitted to acquire, construct, or operate any transportation facilities (including rights-of-way or parking lots) in Maryland or Virginia unless (1) the Governor of the State involved or his designee shall have approved the program or the revision thereof in which the pertinent facilities are set forth, or (2) the procedure prescribed in subsection (c) of section 204 is followed.

Subsection (c) provides that, until the program is approved as provided in subsection (b), the Agency may acquire, construct, or operate transportation facilities in Maryland or Virginia only if it submits plans and information thereon to the Governor of the State in which the facilities are to be located and secures his approval of such plans. The Governor may designate a government agency to act for him in this matter.

##### Functions, duties, and powers

Subject to other provisions of title II, section 205, in paragraph (1) of subsection (a), provides that the Agency may acquire or construct facilities and other property for the transportation of persons in the National Capital region, and that the Agency may contribute funds to government agencies for limited acquisition of rights-of-way for, and construction of arterial highway facilities, if such contributions are deemed necessary to the fulfillment of the objectives of the act. It is anticipated that the authority to make contributions may be used to provide funds for construction of short essential connecting links in road systems, acquisition of median strips, and the like, which would be needed mainly for transit operations. The broad authority to acquire or construct facilities provided in this paragraph would be limited by the need to secure approval from Maryland and Virginia for the establishment of facilities in those States as provided in subsections (b) and (c) of section 204. The broad authority would also be limited by the proviso in paragraph (2) of subsection (a) of section 205 that the Agency shall not acquire the facilities or other property of private transit enterprises, operate buses or similar motor vehicles, or provide for their operation. Paragraph (2), otherwise, authorizes the Agency to operate its facilities or enter in agreements with public or private establishments for their operation or use. Paragraph (3) requires the Agency to encourage expansion of private transit services.

Paragraph (4) of subsection (a) authorizes the Agency to lease its space or property and contract for the construction and operation of service facilities (such as cafeterias or shops at terminals) which will, in turn, encourage use of Agency transit facilities. The rentals, fees and other charges on such leases and contracts are to be sufficient to prevent lessees and contractees from having an undue competitive advantage in the region. Lessees and contractees would also be required to comply with State and local building and zoning laws and regulations (including those of the District of Columbia).

Paragraph (5) of subsection (a) provides necessary general authority for the Agency to enter into contracts and other transactions with public and private establishments and other persons. Paragraph (6) authorizes the Agency to sell or lease advertising space or contract for disposal and use of such space, provided the lessees and contractees comply with applicable zoning and advertising laws and regulations. Paragraph (7) requires the Agency to cooperate with other



Government agencies to coordinate development of arterial highway and transit facilities. While the Agency would have no authority or responsibility for arterial highway development, the language would permit maximum, mutually beneficial integration of highway and transit facilities. To assist in coordinating transit and highway development in the region, paragraph (7) provides for government agencies to submit plans for arterial highways in the National Capital region to the Agency for review. This paragraph further requires the Agency to cooperate and, where possible, develop joint plans with other planning agencies and transportation regulation agencies in the National Capital region, especially the Washington Metropolitan Area Transit Commission which would be established under the Washington Metropolitan Area Transit Regulation Compact, approved by Maryland and Virginia and now pending congressional approval.

Paragraphs (8) and (9) of subsection (a) authorize the Agency to make proposals for regulating the flow of traffic in the National Capital region and to study all phases of transportation including transit vehicle research and fiscal research. Authority to regulate the flow of traffic would remain vested in existing agencies.

Paragraphs (10) and (11) of subsection (a) authorize the Agency to appoint and fix the compensation of its personnel, require bonds, and employ experts and consultants at rates not to exceed \$100 per diem. The laws generally applicable to the Federal competitive civil service would apply to Agency personnel. The Administrator is further authorized to place five Agency positions in grades 16, 17, or 18 of the General Schedule pursuant to provisions of section 505 of the Classification Act of 1949, as amended (5 U.S.C., sec. 1105), and such positions are to be in addition to the number authorized to be placed in such grades by that section.

Paragraph (12) of subsection (a) contains necessary general language authorizing the Agency to make expenditures from funds which may be appropriated by Congress.

Subsection (b) of section 205 further limits Agency activity, except for developmental and research work, to the National Capital region. Subsection (c) provides standard language authorizing other Federal and District of Columbia agencies to enter into any authorized agreements with the Agency. Subsection (d) makes condemnation actions and land acquisitions by the Agency subject to certain general laws governing Federal agencies. Cited are section 355 of the Revised Statutes (40 U.S.C., sec. 255) concerning title searches and validity of titles, the act of March 1, 1929, as amended, and the act of August 1, 1888, as amended (40 U.S.C., sec. 257), which vest in the Attorney General the function of initiating condemnation proceedings for Federal agencies.

Subsection (e) of section 205 requires the Agency to prepare an annual report and forward it to the President, who, in turn, would forward it to the Congress and to the State and local governments concerned.

Subsection (f) of section 205 contains the authorization for appropriations for the Agency.

### TITLE III—CREATION OF A NATIONAL CAPITAL TRANSPORTATION CORPORATION

#### NATIONAL CAPITAL TRANSPORTATION CORPORATION

Section 301, in subsection (a), authorizes the President, on or after July 1, 1963, to create a body corporate to be known as the National Capital Transportation Corporation which would supersede the Agency. The Corporation would be subject to direction and supervision by the President or the head of such agency as he may designate. The subsection bars creation of the Corpora-

tion if the interstate proprietary agency provided for in title IV of the act has previously assumed the functions of the Agency, and requires the President to give due consideration to progress being made toward the establishment of such interstate agency, if it is not already in existence, before creating the Corporation. Thus, it is contemplated that the Corporation will be established only if there is no reasonable prospect of action on the interstate proprietary agency at the time the Corporation's establishment is considered.

Subsection (b) of section 301 authorizes the Corporation, when created, to exercise those Agency functions set forth in sections 203, 204, and 205 of the act. The Corporation would no longer be required to secure the approval of the Governors of Maryland and Virginia before it could acquire, construct or operate transit facilities in their respective States. The language which would prevent the Agency from acquiring the facilities or other property of private transit enterprises, operating buses or providing for their operation would not apply to the Corporation. The Corporation would thus be able to provide for all types of transit facilities in the National Capital region. It would, however, supply its plans to the Governors of Maryland and Virginia for review and comment.

Subsection (c) of section 301 provides necessary language authorizing the President to transfer all Agency property and other assets to the Corporation. The Corporation would also assume the performance of Agency contracts and agreements and Agency liabilities thereunder.

#### Management of the Corporation: Advisory Board

Section 302, in subsection (a), provides that the management of the Corporation would be vested in an Administrator, appointed by the President with Senate confirmation, who would receive \$20,000 per annum. His appointment and compensation are the same as prescribed for the Agency Administrator. His functions would encompass the day-by-day administration of Corporation affairs subject to general control by the President or his designee.

Subsections (b), (c), and (d) of section 302 provide for a Deputy Administrator and an Advisory Board of the Corporation to be appointed and compensated in the same manner as their Agency counterparts. Their duties would also be the same and they would be subject to identical restrictions on outside interests as the Agency's Deputy Administrator and Advisory Board.

#### Principal office; venue; other offices; use of funds for office buildings

Section 303 contains standard language for Federal corporations specifying the location of principal offices, in this case in the District of Columbia, and making the Corporation a resident of the District of Columbia for purposes of venue. The Corporation would also be authorized to establish other offices, but only in the National Capital region.

#### Powers of Corporation

Section 304 adds to those Agency functions which would be assumed by the Corporation, a series of powers which are standard for Federal corporations, required by virtue of its distinct legal character and potentially self-sustaining nature, and necessary to provide adequate financial flexibility. Paragraph (1) authorizes adoption, alteration, and use of a corporate seal and requires its judicial notice. Paragraph (2) authorizes the Corporation to adopt, amend, and repeal its bylaws, rules, and regulations. Paragraph (3) authorizes the Corporation to sue and be sued, but makes it subject to the provisions of title 28, United States Code, sections 507(b) and 2679 which reserve to the Attorney General supervision over all lit-

igation in which the United States or its agencies are parties and bar suits against Federal agencies or claims covered by title 28, United States Code, section 1346(b). The latter, in turn, covers certain claims for money damages for injury or loss resulting from the negligent or wrongful acts or omissions of Federal employees while acting within their official capacities. Paragraph (3) also subjects the Corporation to provisions of section 367 of the Revised Statutes (5 USC, sec. 316) which reserves to the Attorney General the authority to have Department of Justice office attend to the interests of the United States in any pending suit in Federal and State courts.

Paragraph (4) of section 304 authorizes the Corporation to accept gifts and donations of property. Paragraph (5) authorizes the Corporation to acquire, hold, maintain, use, operate, sell, lease, or dispose of any type of property, or interests therein, necessary to carry out authorized functions. Paragraph (6) would permit the Corporation to operate its facilities or enter into agreement for their operation, the use of its operating rights, or the provision of transportation services otherwise. It would not be restricted from operating buses as was the Agency.

Paragraph (7) of section 304 contains standard language requiring the Corporation to contribute appropriate employer shares to the civil service retirement fund and employees compensation fund, and to pay into miscellaneous receipts an appropriate portion of the costs of administering those funds. Such payments are intended to help insure that the Corporation's operations and financial data truly reflect the full costs of corporate activity. Corporation rates would have to be set at levels designed to recover these, as well as other costs.

Paragraph (8) contained a standard authorization for the Corporation to determine the nature of its obligations and expenditures and the manner in which they are to be incurred, allowed, and paid. The language is required to allow it necessary flexibility in its business-type financial dealings. However, the language also provides that the Corporation would be subject to all laws specifically applicable to Federal Corporations. Those statutes include the Government Corporation Control Act, covered specifically in section 309 below, and pertinent parts of the Federal Property and Administrative Services Act. Paragraph (9) authorizes the Corporation to use the mails in the same manner as other Federal agencies, thus requiring it to reimburse the post office for an amount equivalent to the postage and registry fees which would ordinarily be paid for mail sent by the Corporation.

Paragraph (10) requires the Corporation to set fares and other charges for the use of its facilities at levels which would produce revenues for the system as a whole which may reasonably be expected to cover all costs of operating and maintaining its facilities, including depreciation, interest, and principal on obligations, and payments in lieu of taxes. Thus, Corporation activities would be expected to be self-supporting. The Corporation would also be required to attempt to make its fares reasonably comparable to fares of other transit companies in the National Capital region. The Corporation could allow particular facilities to be used free of charge or at rates which would not produce fully self-sustaining revenues for such individual facilities, but could provide for free passes or similar benefits for any persons only after notice and hearing. The Corporation would be authorized to agree on combination fares with other agencies or private persons.

Paragraphs (11) through (15) of section 304 contain standard corporate powers. Paragraph (11) grants the Corporation the first priority of the United States in the payment

of debts and bankrupt or insolvent estates as provided in section 3466 of the Revised Statutes (31 U.S.C., sec. 191). Paragraph (12) authorizes the Corporation to execute necessary instruments to exercise its powers. Paragraph (13) authorizes the Corporation to settle and adjust its claims against others and claims against itself. Paragraph (14) authorizes the Corporation to take any other necessary and appropriate action to carry out its specific powers and duties.

Paragraph (15) of section 304 requires the Corporation to hold public meetings with adequate notice prior to establishing or abandoning services or fixing fares, but the Corporation shall have the responsibility for matters relating to services and fares.

#### *National Capital transportation fund*

Section 305, in subsection (a) establishes a National Capital transportation fund. Paragraphs (1), (2), and (3) of subsection (a) specify that the capital of the fund would consist of amounts advanced from appropriations upon the request of the Administrator, unexpended balances of appropriations available to the Agency as determined by the Administrator with the approval of the Director of the Bureau of the Budget, and the value of Agency assets less Agency liabilities as determined by the Administrator with the approval of the Director of the Bureau of the Budget taking into account original cost, depreciation, usable value, and other reasonable factors relating to Agency properties transferred to the Corporation.

Subsection (b) of section 305 would require, absent further congressional action to the contrary, the Corporation to pay interest into miscellaneous Treasury receipts, at the end of each fiscal year, interest on the capital of the fund. The interest rate would be determined by the Secretary of the Treasury taking into account comparable rates on long-term obligations of the United States.

Subsection (c) of section 305 authorizes the Administrator to return to the Treasury capital in the fund which is in excess to current corporate needs. Such returns would be credited to the Corporation's permanent appropriation account and would be available for readvancement to the fund, thus providing a continuing line of credit. Such returns would also reduce the fund's capital and, in turn, reduce interest expenditures. The subsection further provides that, when the appropriation account is determined to be in excess of corporate needs, the appropriation account shall be reduced by such excess amount.

Subsection (d) of section 305 contains the authorization for appropriations for advances to the Corporation and provides that they shall be without fiscal year limitations. Subsection (e) provides that Corporation receipts would be credited to the fund and that the fund shall be available for payment of Corporation expenditures. Subsection (f) authorizes appropriations to cover actual losses sustained by the Corporation in the conduct of activities. Such amounts as may be appropriated, therefore, would go directly to the fund and would not be part of the permanent appropriation account; nor would interest payment be required thereon. That authority would exist mainly to prevent capital impairment and to cover losses resulting from emergencies and unforeseen events, since the Corporation would normally be expected to earn revenues sufficient to be potentially self-sustaining and to avoid capital impairment.

#### *Borrowing from Treasury*

Section 306 authorizes the Corporation to borrow from the Treasury funds not to exceed an amount equal to the total capital of the Fund defined in section 305(a) outstanding at any one time. The sums borrowed would be in addition to any funds which might be appropriated, and the amounts borrowed would have to be ap-

proved in appropriation acts. The Corporation would be authorized to issue bonds or other obligations to the Treasury. Those obligations would have maturities agreed upon by the Corporation and the Secretary of the Treasury and bear interest as determined by the Secretary taking into account the average yield to maturity of outstanding, long-term U.S. obligations. The Corporation would be able to redeem its obligations at any time before maturity.

The Secretary of the Treasury, pursuant to section 306, would be directed to purchase obligations issued under the borrowing authority of the Corporation and to use a public-debt transaction to finance such purchase.

#### *Exercise of powers; new programs*

Section 307 authorizes the Corporation to exercise specific powers, in addition to those cited in the act, necessary to operate and maintain its properties as business enterprises and public service facilities, but prohibits the Corporation from undertaking new types of activities not included in its annual budget program. Section 102 of the Government Corporation Control Act, as amended (31 U.S.C., sec. 847), requires each wholly owned corporation to prepare annually a business-type budget and submit it to the Bureau of the Budget in such manner as the President may prescribe. The budget program is actually a plan of corporate operations with due allowance for flexibility, emergencies and contingencies, and it includes statements of financial condition, income and expenses, borrowings, sources and application of funds and other data.

#### *Payments to States and local governments in lieu of certain taxes*

Section 308 authorizes the Corporation, in its discretion, to make payments to the District of Columbia and other State and local governments in lieu of taxes on any of its property which was subject to State and local taxation before acquisition. Such payments may not exceed the amount of the taxes which were payable except where special burdens are created by corporate activities. The Corporation and its property, franchises, and income, but not its contractors, would be exempt from all taxation.

#### *Amendment of Government Corporation Control Act*

Section 309 provides that, when the Corporation is established, section 101 of the Government Corporation Control Act as amended (31 U.S.C., sec. 846), will be amended to list the National Capital Transportation Corporation among the wholly owned Federal corporations subject to the act. Such inclusion would make the Corporation subject to the requirements of the act, including preparation of a business-type budget (covered under sec. 307 above) and audit by the General Accounting Office.

#### *Succession*

Section 310 provides that the Corporation shall continue to exist until dissolved by an act of Congress. The section makes clear that such dissolution would occur when the Congress consents to the compact developed under title IV of the act providing for creation of an interstate proprietary agency.

#### **TITLE IV—AUTHORIZATION FOR NEGOTIATION OF INTERSTATE COMPACT**

##### **INTERSTATE PROPRIETARY AGENCY**

Section 401, in subsection (a), gives to Maryland, Virginia, and the District of Columbia, the consent of Congress to their negotiation to develop a compact to create an interstate proprietary agency to carry forward the objectives of the act. Such agency would take over the functions of the Federal Agency or Corporation, whichever is then in existence. The compact would become effective upon approval of Maryland

and Virginia and the Congress. Subsection (b) requires the President to submit to Congress recommendations for transferring the Federal Agency's or Corporation's assets and liabilities to the interstate agency as soon as possible after the interstate compact has been approved by Maryland and Virginia. Subsection (c) requires the President to appoint a Federal representative to the compact negotiations, and such representatives, as provided in subsection (d), if not otherwise federally employed, would receive compensation at a rate not in excess of the per diem equivalent of the maximum rate for grade 18 of the general schedule under the Classification Act of 1949, as amended (5 U.S.C., sec. 1113(b)), together with travel expenses authorized for experts and consultants by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C., sec. 73b-2). Subsection (e) provides that the Federal representative be provided with necessary space, engineering and administrative aid, and subsection (f) provides that his compensation be paid from the White House office appropriation for salaries and that other expenses under subsections (d) and (e) be paid from current appropriations selected by the heads of agencies designated by the President to pay such expenses.

Subsection (g) of section 401 authorizes the Federal Agency or Corporation to cooperate with compact representatives and to furnish information to them to the extent permitted by law.

#### **SEPARABILITY**

Section 402 provides a standard separability clause.

Mr. BIBLE. Mr. President, I also ask unanimous consent to have printed in the RECORD, following the sectional analysis I have already submitted for printing in the RECORD, the letter of transmittal from the Bureau of the Budget, dated March 10, 1960.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE  
OF THE PRESIDENT,  
BUREAU OF THE BUDGET,  
Washington, D.C., March 10, 1960.

HON. RICHARD M. NIXON,  
President of the Senate,  
Washington, D.C.

MY DEAR MR. PRESIDENT: There is forwarded herewith a draft of legislation to aid in the development of a unified and integrated system of transportation for the National Capital region; to create a temporary National Capital Transportation Agency; to authorize creation of a National Capital Transportation Corporation; to authorize negotiation to create an interstate transportation agency; and for other purposes, together with a section-by-section analysis thereof.

The report of the National Capital Planning Commission and the National Capital Regional Planning Council, Transportation Plan-National Capital Region, authorized by Congress in 1955 and completed in July 1959, concluded that a coordinated transportation system of rail transit, express buses, and highways is urgently needed to meet the growing transportation problems of the District of Columbia and the surrounding metropolitan area. Such a system would permit the more effective performance of the functions of the Government, preserve the beauty and dignity of Washington as the Nation's Capital and promote the welfare and economy of the entire region, which is increasing in population at one of the highest rates in any of the Nation's metropolitan areas. The probable alternative to such action appears to be construction of a greater



number of highways leading into the city, diversion of large downtown areas of the District of Columbia to parking for private automobiles, and increases in time devoted to traveling to and from work.

The President transmitted the transportation plan to the Congress on July 10, 1959. In recognition of the Federal interest in transportation facilities in the National Capital area, he requested a detailed study of the plan by the various Government agencies and stated that such recommendations as were warranted would be made to the Congress. Subsequently, in hearings before the Joint Committee on Washington Metropolitan Problems, it was agreed that appropriate legislation should be developed. The transportation problems of the National Capital area, as of other metropolitan areas, are essentially local rather than Federal in their nature. However, the Federal impact in the National Capital area is the basis for a unique Federal interest in the development of a suitable bill. Further, to permit the efficient conduct of its work, the Federal Government and its employees have a direct interest in the creation of a sound transportation system for the Nation's Capital.

The enclosed draft is transmitted pursuant to the commitment by the President in his 1961 budget message to submit suitable legislation. In our judgment, it represents a reasonable approach to meeting the emerging transit needs of the Washington metropolitan area. Special effort was made to secure the views of local officials and organizations of the National Capital region with respect to the proposed legislation. Draft legislative proposals were sent to all the elected officials of the local governments in the National Capital region, local representatives of the States of Maryland and Virginia, staff of the Congressional Joint Committee on Washington Metropolitan Problems, the several planning agencies of the region and to such organizations as the Council of State Governments and other interested local groups. Subsequent meetings with representatives of these organizations and with representatives of private transit firms and the local transit union in the area provided opportunity for face-to-face consideration of objectives and problems.

As a consequence of this review the present proposal conforms substantially with regional views in such important respects as coordination and conformity to local land use plans and codes; local representation on the Federal organization's advisory board; limitations on the Federal organization's condemnation powers in the States and support of an interstate compact agency which would be encouraged to take over the functions of the Federal agency. Some of the devices proposed to insure coordination with local and State governments and to encourage creation of an interstate body to deal with the transit problem may well prove to be precedents having utility in meeting other Washington metropolitan area problems.

The Bureau of the Budget, on behalf of the administration, urges early and favorable consideration by the Congress of this draft legislation. I am authorized to advise that its enactment would be in accord with the program of the President.

The proposed legislation provides for (1) creation of a temporary National Capital Transportation Agency, (2) authorizes negotiation of a compact setting up an interstate proprietary agency, and (3) if necessary, the later creation of a Federal Transportation Corporation.

The National Capital Transportation Agency would be headed by an Administrator and an Advisory Board, the majority of whom would be residents of the National Capital region. The Agency would have various

functions, mainly of a non-revenue-producing nature. Those would include preparation of a comprehensive up-to-date transit development program, consisting of plans, proposed routes and locations for the transportation of persons in the region, together with a timetable for the provision of facilities and financial estimates of costs and revenues. The program would conform, to the extent practicable, to the general plan for the development of the National Capital region and to the comprehensive plan for the National Capital prepared by the National Capital Planning Commission and the National Capital Regional Planning Council. Before carrying out any aspects of the transit development program, the Agency would submit it for review and comment to the local governing bodies and other appropriate groups in the region. The program would also be submitted to the Governors of Maryland and Virginia or to such State or local agency as each may designate for review and approval before any activities would be carried on in their States.

Subject to this review and approval the Agency, which would be financed by direct appropriations, would have authority to complete necessary planning and engineering for a comprehensive rail-bus system, acquire rights-of-way and build bus stops on freeways, acquire and operate outlying parking facilities for transit users, and work with railroads to improve commuter services. The Agency would have no power to acquire private transit companies, operate buses or other motor vehicles or provide for their operation. In the first 3 years (fiscal years 1961 through 1963) an estimated \$20 to \$25 million in appropriations may be required for these purposes. If it proves feasible to begin construction of a subway line in 1963, an additional \$30 million in appropriations may be needed at that time.

On or after July 1, 1963, the President would be authorized to abolish the Agency and create a National Capital Transportation Corporation. Before establishing the Corporation, the President would give due regard to progress being made in negotiation of the proposed interstate proprietary compact. If the compact has been agreed to or its negotiation appears likely, the Corporation would not be created. The Corporation would be given the powers of the Agency and in addition, subject to local coordination and review, would have full acquisition and operating powers as a Federal business enterprise to improve transit services in the region. It would take over the assets and funds of the Agency. The Corporation would have authority to set fares and other charges for the services rendered by its facilities and could provide for operation of such transit facilities or, if necessary, operate them directly. Both the statement of purpose and specific provisions of the bill place emphasis on the greatest possible use of private facilities, both to minimize Federal investment and to take advantage of the skills and experience acquired over the years by well developed private transit systems.

To finance its activities, the Corporation would be authorized to obtain funds both from appropriations and by borrowing from the Treasury Department amounts authorized in appropriation acts. On the basis of preliminary estimates and allowing for interest on borrowings prior to completion of the first major stage of development, by the end of 1968 the Corporation and its predecessor Agency may require a total of \$265 million, half of which would be from appropriated funds and half from borrowed funds.

The Corporation's funds would be used to: (1) complete most of the detailed plan-

ning and construction engineering plans for the subway transit system; (2) build express bus stops and parking sites for transit users; (3) provide for expanded bus service, if necessary; (4) acquire rights-of-way, including wide median strips in new freeways for buses and trains; and (5) construct one of the four major rail transit lines. A subway line could be built from the District line in the northwest across the downtown area, for example, to connect at the Union Station with the existing private railroads.

The net result would be the creation of a reasonably comprehensive and workable transit system which meets the needs of the National Capital region in 1968. The estimated revenues for such a system are expected to be adequate in 1969 to cover all operating costs, including interest on borrowings from the Treasury. If the interstate proprietary agency by this time is not yet ready to assume the Corporation's functions, the Corporation could come back to the Congress for increased appropriations and borrowing authority necessary to complete the rapid rail transit system over the following decade.

Finally, this proposed legislation would authorize negotiation of a compact to create an interstate proprietary agency to carry out the objectives of this legislation. Such an interstate compact might create an agency similar to the Port of New York Authority or set up a regional organization controlled by the local governing bodies of the National Capital region. Such a group might also concern itself with other metropolitan problems in the National Capital region. Upon approval of the compact, the President would submit to Congress recommendations for transferring the Federal Agency's or Corporation's functions and such assets and liabilities as are determined to be appropriate.

Sincerely yours,

ELMER B. STAATS,  
Acting Director.

#### FEDERAL FUNDS FOR HEALTH AND MEDICAL RESEARCH

Mr. KEATING. Mr. President, I want today to discuss the limitation which has in recent years been placed on the amount which can be paid by the Government for the indirect costs of federally financed health, medical, and educational research. Let me briefly recount the background of this limitation.

Over the past few years, the House Appropriations Subcommittee on Labor-HEW has insisted upon a 15-percent ceiling on the amount of Federal funds which can be used to cover the indirect costs of a federally sponsored research project under the supervision of the Department of Health, Education, and Welfare. The Senate Appropriations Subcommittee on Labor-HEW has several times attempted to remove this unrealistic ceiling; however, their efforts thus far have been to no avail. The House subcommittee has steadfastly refused to concur in this matter.

Mr. President, I want to make it clear that this 15-percent limitation only applies to HEW-sponsored research projects. This, or a similar limit, does not apply to research projects carried out by any other Federal agency. The Atomic Energy Commission, the various component agencies of the Defense Department, and a number of other Federal agencies contract out research projects

in much the same manner as the Department of Health, Education, and Welfare. The amount of funds allocated for the indirect costs of these projects are computed with reference to the particular circumstances involved in each individual research contract. It is my understanding in this connection that the Bureau of the Budget has issued a publication establishing certain policy guidelines for determining the amounts which will be needed to cover both direct and indirect research costs.

Mr. President, the burden of the 15-percent limitation on the indirect or overhead costs of HEW research falls primarily on medical schools, hospitals, and graduate schools in the medical sciences which carry out research projects on behalf of the Public Health Service and the National Institutes of Health. In effect, these institutions must pay a premium in order to participate in Government-supported medical and health research.

In the State of New York, a number of universities and hospitals have been seriously shortchanged by this ceiling, and have on various occasions publicly stated their opposition to its continuation. In a newspaper article on this subject, it was pointed out that in a recent year New York University's total expenses on various HEW-sponsored research activities amounted to \$1.2 million. It was estimated that the indirect or overhead costs of these projects amounted to 36 percent, or \$419,884. The university, under the law, received only 15 percent of the total for indirect costs. This is less than half of the amount needed to cover the full indirect research costs. New York University President Carroll V. Newsom was quoted as saying:

New York University really subsidized the research we conducted for 1 year under public health grants to the extent of \$244,356.

Dr. deKiewiet, president of the University of Rochester, also commented on this problem in a letter to me. He called for "the reimbursement to universities and colleges of an amount more nearly approaching the actual indirect costs related to Government-supported research and training programs." President deKiewiet further stated that "the burden of absorbing the additional indirect operating costs incurred by Government-supported research and training programs is causing us great concern and is seriously impairing our efforts to train more graduate students."

Many other educators have expressed concern with regard to the 15 percent limit on the amount which the Government can pay toward the indirect costs of Department of Health, Education, and Welfare-sponsored research projects. The Association of American Universities recently wrote and circulated a letter to the Secretary of the Department of Health, Education, and Welfare urging that "every effort be put forward to eliminate from present and future appropriation bills for the Department, the provision that research grants to institutions of higher education, made by agencies within the Department, are restricted to

the payment of only 15 percent of the total cost toward covering the indirect costs of research."

I ask unanimous consent that the text of the above referred to letter appear at this point in my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JANUARY 15, 1960.

The Honorable the SECRETARY OF HEALTH, EDUCATION, AND WELFARE,  
Washington, D.C.

DEAR MR. SECRETARY: The Association of American Universities wishes to place before the Department of Health, Education, and Welfare (and its constituent agencies, the Public Health Service and the National Institutes of Health) and the Congress of the United States an urgent request that every effort be put forward to eliminate from present and future appropriation bill for the Department the provision that research grants to institutions of higher education, made by agencies within the Department, are restricted to the payment of only 15 percent of the total cost toward covering indirect costs of research.

This 15 percent limitation, which has been enacted into prior appropriation bills, has been an extremely costly provision to the universities of the country. The costs of research consist not only of the direct expenses of salaries and equipment, but also the indirect expenses of maintenance of laboratories and buildings, including heating, lighting, ventilation, cleaning, repairs, etc., and including costs of administrative and business offices. As the teaching or research activities of any university increase, these indirect costs have been found inevitably, and in the long run, to increase also in direct proportion. The sum total of these costs in practically all universities is far in excess of the percentage limitation provided in Public Health Service and National Institutes of Health grants.

Many agencies of the Government have recognized the desirability of paying the full costs of research, including the indirect costs. The recent Circular A-21 issued by the Bureau of the Budget sets forth the policy that research projects undertaken through Government sponsorship shall cover full costs, and it sets forth the principles by which such cost determination can be made. This Circular A-21 permits, and indeed instructs all agencies of the Government to follow these principles in the awarding of research contracts and grants. The Department of Health, Education, and Welfare is the only agency of Government which is prohibited by law from adopting the principles set forth by the Bureau of the Budget in Circular A-21.

The above restriction applying to grants by the Public Health Service and the National Institutes of Health imposes serious fiscal burdens on one of the most critical elements of American higher education—namely, the medical schools. For many years the medical schools of the United States have been under serious financial pressure as the costs of medical education and research have risen, and as pressures have risen for turning out more and better doctors. A large volume of medical research is now supported by grants from the National Institutes of Health in American medical schools, but since the indirect costs are not fully covered, the schools have been desperately short of the other funds required to cover the full costs of the research work which has been undertaken. This research work in the fields of medicine and biology is of critical importance to national health, and the maintenance of the financial integrity of the medical schools is

therefore an important aspect of national welfare. It is urgently necessary, therefore, that medical schools be strengthened rather than weakened by undertaking critically important research financed by Government agencies.

A large proportion of the member institutions of the Association of American Universities include medical schools in their organization, and all of these have faced serious financial difficulties because of the policy imposed by the Congress in preventing the reimbursement of the universities for the full costs which they incur in research programs.

The Association of American Universities respectfully requests the Secretary of Health, Education, and Welfare to provide in its budget the funds required to cover the full indirect allowance computed under circular A-21 for research grants, and to recommend strongly, and as a matter of urgency, the elimination of the indirect-cost restriction in the fiscal 1961 appropriation bill.

Respectfully submitted.

THE ASSOCIATION OF AMERICAN  
UNIVERSITIES,

LAWRENCE A. KIMPTON, President.

Mr. KEATING. Mr. President, in light of the facts which I have noted in my remarks today, I introduce, for appropriate reference, a bill amending the basic Public Health Service Act, stating that the indirect costs of all federally financed Public Health Service medical research projects shall be allowed in full. I ask unanimous consent that this bill be printed at this point in my remarks.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3197) to amend the Public Health Service Act to provide to the fullest extent possible for the payment of all indirect costs of research projects supported under this act, introduced by Mr. KEATING, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 301 (d) of the Public Health Service Act (42 U.S.C. 241(d)) is amended by adding at the end thereof the following immediately preceding the period:

"Provided, That each grant-in-aid made under the provisions of this subsection shall to the fullest extent possible include the payment of all indirect expenses attributable to the research projects supported by such grant-in-aid."

Mr. KEATING. Mr. President, I have been in close touch with Secretary Flemming and with various HEW officials and have been informed that the Department's position is in agreement with the bill which I have just introduced. The Department has for several years been working very hard to bring about the elimination of section 206 of the annual appropriations measure. This section contains the controversial 15-percent limit.

In testifying before the House Appropriations Labor-HEW Subcommittee on February 1, Secretary Flemming very clearly expressed the Department's position with regard to the payment of the indirect costs of HEW research.



He said the Department's estimate also includes a request to remove the existing 15-percent limitation on the allowance for indirect costs for medical research grants. This change has repeatedly been recommended by universities and consultants who have studied the burden of indirect costs of research, and is supported in order to prevent an unwarranted channeling of institutional resources from other areas, such as training, to the support of research grant projects.

Mr. President, I have also discussed this matter with officials of the Office of Education, and at my request they are preparing a report with regard to the impact of the 15-percent limit on the indirect costs of research carried out for the Office of Education, as well as to the feasibility of legislation in this regard.

Mr. President, I urge that serious consideration be given to this proposed legislation. With the appropriations process now getting under way in both the House and Senate, I think it is important that prompt action be taken to study and enact legislation which will indicate the intent of Congress as a whole that the 15-percent limit on the overhead costs of HEW sponsored research should be dropped.

#### NOTICE OF HEARING ON U.S. POLICY IN AFRICA BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD part of a press release made today concerning a forthcoming hearing by the Committee on Foreign Relations on U.S. policy in Africa.

There being no objection, the extract from the press release was ordered to be printed in the RECORD, as follows:

#### U.S. SENATE COMMITTEE ON FOREIGN RELATIONS

Senator J. W. FULBRIGHT, chairman of the Senate Committee on Foreign Relations, announced today that the Committee has tentatively scheduled a public hearing on March 16, at 10 a.m., in room 4221, New Senate Office Building, to receive testimony on a study of "U.S. Foreign Policy in Africa." This study is one of a series of 15 studies prepared at the request of the Committee on Foreign Relations in connection with its examination of U.S. foreign policy, which was authorized by the Senate late in the 2d session of the 85th Congress. The principal witnesses will be Mr. Melville J. Herskovits, director, program of African studies, Northwestern University, and Mr. Joseph C. Satterthwaite, Assistant Secretary of State for African Affairs.

The study which is the subject of the hearing explores the trends and developments which may affect the economic, political, and security interests of the United States in Africa. It is also concerned with the effects of alternative courses of action by the United States upon these trends, including problems for the immediate future affecting United States-African relations and the evaluation of future alternative U.S. policies toward Africa.

All interested parties wishing to present testimony in connection with the committee's hearings on this study should contact the chief clerk of the committee without delay.

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. WILEY:

Address delivered by him over radio station WGN, Chicago, March 6, 1960.

By Mr. RANDOLPH:

Article by him for Charleston (W. Va.) Gazette, March 11, 1960, entitled "West Virginia Admirably Situated for Marketing and Has Readily Adaptable Labor Force."

#### CIVIL RIGHTS AND THE LAUSCHE AMENDMENT

Mr. ELLENDER. Mr. President, last Wednesday, March 9, I prepared my weekly radio script for radio station WWL in New Orleans. My address was broadcast last night and it was released today, Monday, March 14, for the press. I discussed certain aspects of and some of the implications involved in section 1 of the Dirksen amendment. I also discussed the many pitfalls which were fully debated last Friday, March 11, during consideration of the so-called Lausche amendment. I ask unanimous consent that the address be printed at this point in the body of the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### SENATOR ELLENDER DISCUSSES CIVIL RIGHTS FIGHT

##### SENATE RESUMES CIVIL RIGHTS BATTLE

Ladies and gentlemen, the Senate has resumed its battle on so-called civil rights measures, after voting down an attempt by the ultraliberal factions of both parties to gag the small, but determined band of 18 southerners pledged to all-out opposition to this nefarious legislation.

I was glad to see this action taken because, in my judgment, it leads me to believe that perhaps some small portion of sanity is returning to some of the Members of Congress.

I fear, however, that not enough Members will use their God-given, commonsense judgment. There are still too many Senators who are ready and waiting for an opportunity to cast their votes in favor of any type bill just so long as it carries a civil rights label acceptable to the minority groups in large northern cities.

These so-called liberals have put the civil rights label on a multitude of measures, ranging far afield from the voting rights, of certain groups, in which they say they have the most interest. Instead, guided by election-year politics they seek to give super-citizenship to certain minority groups in our country to the detriment of the great majority of our people and, at the same time, to the utter desecration and profanation of the U.S. Constitution.

Although they cloak their attempts with some of the highest sounding platitudes ever heard, they cannot really mask their ultimate objective—the reenactment of Reconstruction-type laws which will make the Southern States once again a private preserve for plunder and fraud by northern agitators.

They want to extend the long arm of the Federal Government into the inner workings of the individual States to such an extent, that no private citizen will be able to talk, think, or perhaps draw free breath, until he gets permission to do so from some

bureaucrat appointed by the Federal Government in Washington.

In addition, I fear that if some of the legislation which is now pending before the Senate is enacted, it would have the effect of causing an increase—not the much publicized decrease that the liberals continue to speak about—in racial tensions all over our country.

One example of this type legislation is section 1 of the so-called Dirksen substitute, which, in my humble judgment, is one of the most obnoxious, most vicious, and yet best concealed of any of the measures now before the Senate.

#### ORIGINALLY INTRODUCED BY SENATOR DIRKSEN

This portion of the bill was originally introduced as a separate bill early last year by Senator DIRKSEN, of Illinois. At that time it was described as a bill to amend chapter 73 of title 18, United States Code, with respect to the obstruction of certain court orders.

But, after reading through the bill very carefully, in my judgment, it ought to be described as a bill to prevent any obstruction, interference, or disagreement with, Federal court desegregation orders, for that is what it really seeks to accomplish.

Both the Dirksen bill and the first section of the Dirksen substitute would create a new category of Federal crimes—any person who obstructs or interferes with Federal court desegregation orders. This crime would be punishable by a fine of not more than \$10,000 or imprisonment of not more than 2 years, or both.

In addition, it goes even further. It provides, and I quote:

"No injunctive or other civil relief against the conduct made criminal by this section shall be denied on the ground that such conduct is a crime."

This innocent-appearing language, phrased in the negative, is one of the bayonet points of the section. It authorizes, in a back-handed way, a Federal court to issue an order paralleling the criminal sanctions contained in the measure. Thus, an individual committing one act could be held for two Federal offenses—the crime of obstruction of a court order, plus the additional "contempt" of a court decree. He would be subject to two trials—first before a jury for the crime of obstruction, plus trial without a jury, for contempt, based upon his violation of a court order. If found guilty, he would be twice punished, since the Supreme Court has held that the double jeopardy provision of the Constitution does not apply to cases involving contempt.

Actually, the individual involved could be convicted three times—twice under Federal law, and once more for violation of State law.

What Senator DIRKSEN wants—and it must be borne in mind that the Dirksen bill is also the President's bill—is authority in a Federal court to parallel a criminal statute with a court order, the violation of which would then subject the accused individual to double punishment. This is nothing more or less than the perversion of the equity jurisdiction of our Federal courts.

Equity is a somewhat unusual system of law, and it has its roots far back in the antiquity of Anglo-American jurisprudence. It flows from the ancient power of kings to overrule their courts, and to "do equity" where courts of law provided no remedy. Not too many centuries ago, the demand for this kind of special treatment grew so great that special equity courts were created, to take the burden of deciding each case from the King. However, in order to get his case before one of these equity courts, an aggrieved individual had to show that he had no remedy at law.

As a result, quite a battle developed between the law courts and the equity courts. Each endeavored to increase the scope of its jurisdiction, at the expense of the other. As a result, and over a period of many years, the equity courts began to assume criminal jurisdiction. They began to issue decrees paralleling criminal statutes, and to punish the violation of their decrees by using the contempt power. Finally, this system of "criminal equity" grew so evil that, when it developed into the famous Star Chamber proceedings, a rule was developed which somewhat curtailed the jurisdiction of equity courts. In the lawbooks, this rule is found stated, as maxim of equity, namely that "equity will not enjoin a crime." This is the rule which, in a left-handed sort of manner, the Dirksen amendment, section 1, seeks to repeal. In other words, the Dirksen amendment seeks to turn back the clock to the days when the English system of equity courts was exercising criminal jurisdiction—back to the days of the Star Chamber.

#### ANOTHER PORTION NEEDS CONSIDERATION

There is another portion of section 1 of the Dirksen amendment which requires careful consideration.

This section reads as follows, and I quote: "Whoever corruptly, or by threats or force, or by any threatening letter or communication, willfully prevents, obstructs, impedes or interferes with or willfully endeavors to prevent, obstruct, impede or interfere with the due exercise of rights or the performance of duties under any order, judgment, or decree of a court of the United States which (1) directs that any person or class of persons shall be admitted to any school, or (2) directs that any person or class of persons shall not be denied admission to any school because of race or color, or (3) approves any plan of any State or local agency the effect of which is or will be to permit any person or class of persons to be admitted to any school, shall be fined not more than \$10,000 or imprisoned not more than 2 years, or both."

I direct your attention to the first seven words "whoever corruptly, or by threats or force."

I wonder what meaning is assigned to the word "threats"? It should be noted that the section does not read "threats of force" but instead it states "threats or force."

Thus it would appear to me that under terms of this section, if any person threatened economic sanctions against persons who seek desegregation of our public schools, he would be guilty of a Federal crime.

Yet, we read every day about Negro students staging economic boycotts and sit-down strikes against segregated eating facilities and department stores. The "liberal" newspapers of the North hail these events.

In other words, it is perfectly all right for the liberals to use economic boycotts to seek their ultimate objective—integration—but it would be a Federal crime for those of us who sought to use the same weapon to maintain our segregated way of life.

This is merely another example of the extent to which the liberals are willing to go to accomplish their own ends—apparently unaware that the means by which they seek their goals are at complete and utter variance with the constitutional concepts which they so glibly quote.

But there is even a greater, deeper danger to the theory of States' rights which we hold so dear hidden in section 1 of the Dirksen substitute.

#### TROOP USE FOR INTEGRATION BEING READIED

In my judgment, the underlying reason for the introduction of this section 1 is purely and simply to canonize President Eisenhower's action in sending troops into Little Rock to integrate Central High School in

1957 and to clear the way for the use of Federal troops to enforce school integration all across the South.

Let me explain why I believe this is so.

The President cited as his authority for the sending of paratroopers into Little Rock section 333 of title 10 of the United States Code, that pertinent part of which reads as follows:

"The President, by using the militia or the Armed Forces, or both, or by any other means, shall take such measures as he considers necessary to suppress, in a State, any insurrection, domestic violence, unlawful combination, or conspiracy, if it \* \* \* opposes or obstructs the execution of the laws of the United States or impedes the course of justice under those laws."

However, what the President did not reveal was that the use of troops under section 333 of title 10 is limited to those obstructions of justice enumerated in title 10, sections 1501 through 1508, inclusive, of the United States Code.

Those sections deal only with such things as assaulting a process server, false bail, or threatening witnesses to name only a few.

These sections do not include obstruction of court orders to desegregate public schools.

However, section 1 of the Dirksen substitute would include a new section No. 1509 entitled, "Obstruction of certain court orders."

In other words, then obstruction of desegregation court orders would apparently be included in the list of uses for Federal troops.

This makes it abundantly clear to me that Attorney General Rogers and the present administration are laying the groundwork for an all-out assault on the South to integrate all our public schools at bayonet point.

#### ROGERS TIPS HIS HAND

In fact, Attorney General Rogers tipped his hand that this was his purpose when he testified at the 1959 civil rights hearings, as follows:

"A striking demonstration of the need for a bill of this nature is the occurrence at Little Rock in 1957. \* \* \* When the execution of the decree of the courts are obstructed by force or threats of force, there must be authority to act effectively. \* \* \* In a democracy, this agreement with court decree can find free expression in the available judicial or political processes. It cannot be permitted to find expression in force and those frustrating the lawfully determined rights of individual citizens. And if forcible resistance occurs, it must be met."

Must be met with what? With the bayonets of paratroopers?

In my judgment, the liberals of the North have in mind only one thing—the complete and utter subservience of the Southern States to an all-omnipotent Federal bureaucracy, directed and staffed by northern liberals, and whose will would be imposed at bayonet point.

You may rest assured that I and the small group of southern Senators who have fought these nefarious civil rights bills for the past 3 weeks will continue our efforts to see that they are defeated.

Remember, I invite your constructive criticism; I need your advice and counsel.

#### FOREIGN AID—NECESSITY FOR REDUCTION OF MILITARY ASSISTANCE

Mr. ELLENDER. Mr. President, in the near future the Congress will once again come to grips with the mammoth foreign-aid program.

For the fiscal year 1961 the President has submitted a budget estimate of \$4,175 million to finance this program.

This estimate is \$949 million more than the amount provided by the Congress for the fiscal year 1960, the current fiscal year.

Last year, after extensive hearings and very thorough debates on the floors of both the House and Senate, Congress appropriated a total of \$1.3 billion for military assistance. For the fiscal year 1961, \$2 billion has been requested for this purpose. Thus, of the increased amount aggregating \$949 million contained in the President's budget estimate for foreign aid for the fiscal year 1961, \$700 million will be used to finance an expanded military assistance program.

Mr. President, Senators will recall the debate which ensued on the floor of the Senate last year when the foreign aid authorization bill was considered. At that time, I offered an amendment which provided for a \$300 million reduction in the budget estimate for military assistance for the fiscal year 1960; and, after extended debate, the Senate voted to reduce the authorization bill by that amount.

Mr. President, I am convinced that the \$2 billion requested for military assistance for the fiscal year 1961 is greatly in excess of what it should be, and at the appropriate time I hope to prove that this is the case. For the present, it should be sufficient to say that the reasons I advanced just 8 months ago for reducing a \$1.6 billion request for military assistance to \$1.3 billion for the fiscal year 1960 are as valid today as they were at that time if not more so.

For years, Mr. President, I have been striving to get the veil of secrecy lifted from the foreign-aid program. I have held strongly to the belief that since the taxpayers' dollars finance this never-ending program, the taxpayers have a right to know how their dollars are being spent. Although my urgings and requests have generally fallen on deaf ears since the inception of the foreign-aid program, it seems that now they are finally being heard and if not wholly, they are at least being partially implemented.

Mr. President, I wish to announce to the Senate and to the people of America that the curtain of secrecy which has surrounded the foreign-aid program since its beginning has finally been partially lifted; and, perhaps with a little more push, it may be entirely removed. Under Secretary of State Douglas Dillon has decreed that the value of military assistance programs and deliveries for all years, other than for the 1961 fiscal year—the funds for which are shortly to be considered by Congress—is to be made public. Therefore, Mr. President, I should like to assist the administration to disseminate these data, by asking unanimous consent to include in the RECORD at this point in my remarks a document prepared by the ISA Comptroller, dated February 15, 1960, and entitled, "Military Assistance Program, Value of Program and Deliveries, Fiscal Years 1950-60, by Area and Country."

There being no objection, the tabulation was ordered to be printed in the RECORD.



*Military assistance program—Value of programs and deliveries,<sup>1</sup> fiscal years 1950-60 by area and country*  
[Thousands of dollars]

	Programs <sup>2</sup>			Deliveries		
	Fiscal year 1950	Fiscal years 1950-59	Fiscal year 1960	Fiscal year 1950	Fiscal years 1950-59	Estimated, fiscal year 1960
Worldwide.....	1,804,442	26,078,945	1,473,687	2,495,916	23,323,443	2,069,671
Europe.....	411,639	13,704,990	375,725	570,383	12,796,602	665,349
Belgium <sup>3</sup> .....	3,150	1,214,051	( <sup>4</sup> )	14,175	1,162,821	16,653
Denmark.....	27,258	528,733	36,125	29,532	445,154	48,320
France <sup>3</sup> .....	35,795	4,502,053	( <sup>4</sup> )	116,016	4,337,135	113,819
Germany.....	12,974	919,403	478	(10,854)	891,023	26,528
Italy.....	112,344	1,993,008	141,367	108,326	1,847,407	137,416
Luxembourg.....	5	8,274	2	183	8,191	84
Netherlands <sup>3</sup> .....	63,649	1,237,604	36,390	25,520	1,093,422	87,911
Norway.....	17,992	660,265	35,965	38,034	622,701	38,384
Portugal.....	8,641	295,166	10,135	17,037	284,211	7,856
Spain.....	31,008	407,018	24,553	56,713	315,294	58,942
United Kingdom.....	80,191	1,077,486	26,973	167,367	952,453	131,875
Yugoslavia.....		724,168	(1,914)		724,168	
Undistributed.....	18,632	137,761	63,727	20,248	111,722	27,561
Africa.....	13,777	48,619	15,321	7,599	32,934	13,950
Ethiopia.....	9,641	42,156	8,301	5,844	28,968	8,286
Liberia <sup>3</sup> .....	15	998	466	14	1,000	338
Libya.....	595	1,786	678	317	1,542	757
Morocco.....		63	( <sup>4</sup> )			786
Sudan.....			7			3
Tunisia <sup>3</sup> .....	3,300	3,300	( <sup>4</sup> )	1,318	1,318	3,729
Undistributed.....	226	226	5,869	106	106	103
Near East and South Asia.....	427,459	3,769,600	268,528	534,068	3,254,218	419,518
Greece.....	102,656	980,101	53,864	92,462	861,607	112,592
Iran.....	95,116	464,439	51,328	99,338	343,847	84,210
Iraq.....		49,761		974	49,761	
Israel <sup>3</sup> .....	800	936	35	385		518
Jordan.....	560	12,660	5,163	2,326	11,102	2,182
Lebanon.....	1,366	7,806	( <sup>4</sup> )	3,853	7,050	612
Pakistan.....	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )
Saudi Arabia <sup>3</sup> .....	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )
Turkey.....	147,820	1,717,231	104,463	1,646,844	1,546,200	136,510
Undistributed.....	79,041	536,666	53,675	118,486	434,266	82,894
Far East.....	803,206	6,202,235	593,862	831,019	5,281,204	812,367
Australia <sup>3</sup> .....		32,500		25,238	25,238	7,262
Cambodia.....	4,435	69,496	5,116	4,817	64,338	5,811
China (Taiwan).....	333,305	2,056,930	92,381	290,140	1,789,131	206,508
Indochina.....		716,014		(2,088)	716,014	
Japan.....	78,315	711,557	85,928	106,067	506,671	118,174
Korea.....	205,686	1,291,947	208,993	215,361	1,062,270	254,456
Laos.....	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )	( <sup>4</sup> )
New Zealand.....						
Philippines.....	21,960	238,257	18,961	22,346	219,422	21,770
Thailand.....	17,852	304,718	24,782	17,914	281,747	24,396
Vietnam.....	45,855	496,265	45,116	47,758	424,181	74,482
Undistributed.....	95,798	284,551	112,585	103,416	192,292	102,508
Latin America.....	53,769	423,780	68,944	52,983	347,821	69,951
Argentina <sup>3</sup> .....			6,328			223
Brazil.....	24,261	167,881	17,664	13,142	144,411	27,364
Chile.....	5,388	50,498	6,367	6,759	43,793	5,888
Colombia.....	1,964	30,532	4,341	2,718	27,717	3,281
Costa Rica.....			13			9
Cuba.....	576	16,430		543	15,694	249
Dominican Republic.....	28	8,249	470	1,089	7,846	445
Ecuador.....	4,048	21,911	2,978	3,055	16,534	3,874
El Salvador.....			149			69
Guatemala <sup>3</sup> .....	104	913	711	107	843	405
Haiti.....	149	1,682	729	47	1,547	255
Honduras.....	31	768	331	62	726	154
Mexico <sup>3</sup> .....		3,535	3,347	485	1,102	3,051
Nicaragua.....	111	1,190	410	138	1,154	222
Paraguay <sup>3</sup> .....		257	84	13	147	161
Peru <sup>3</sup> .....	5,797	54,337	7,362	4,900	48,048	4,054
Uruguay.....	4,657	26,877	3,466	5,165	22,457	2,183
Venezuela <sup>3</sup> .....	5,500	35,382	14,000	13,272	13,272	17,393
Undistributed.....	1,155	3,338	204	1,488	2,530	671
Nonregional.....	282,753	1,824,102	346,261	499,264	1,610,664	88,536
Administrative expenses.....	23,217	209,827	25,000	24,621	203,256	23,804
Inter-Regional International Military Headquarters Agencies.....	7,620	41,207	8,000	6,644	36,593	8,258
MAP-owned property.....	73,089	345,832		332,965	444,491	(114,683)
Modernization.....			40,346			18,004
Mutual weapons development program (MWDP).....	45,529	202,122	33,010	43,439	115,648	37,500
NATO infrastructure.....	89,961	667,512	70,000	54,637	506,804	65,000
NATO Maintenance Supply Services Agency (NMSSA) <sup>3</sup> .....			22,200			10,600
Weapons production program (WPP).....	8,380	88,346	66,209	18,063	55,018	16,402
Miscellaneous nonregional.....	34,957	269,256	32,048	18,595	248,854	23,651
Programs under development.....			49,457			
Worldwide funding adjustments.....	(188,161)	105,619	(194,954)			

<sup>1</sup> Includes programs and deliveries of stocks excess to the requirements of the U.S. military departments valued at acquisition cost and purchases of military equipment and supplies initially financed with MAP funds. Deliveries also embraces expenditures for services; for example, "Training."

<sup>2</sup> The fact that there is a military assistance program for a country is not to be construed as a commitment of the United States.

<sup>3</sup> Part credit financing.

<sup>4</sup> Included in "Undistributed."

<sup>5</sup> All credit financing.

( ) Indicates negative amount.

Mr. ELLENDER. Mr. President, a mere scanning of the document I have just placed in the Record would lead one to believe that the administration has finally made a decision to give full recognition to the right of the American people to know into which foreign-aid rat-hole their hard-earned tax dollars have been poured. However, upon closer study of this document, one will find that the information dealing with military assistance is still being classified, although we have been led to believe otherwise.

The PRESIDING OFFICER. The Senator from Louisiana has considerably exceeded the time allotted during the morning hour.

Mr. ELLENDER. Mr. President, I ask that I may proceed for a few minutes longer.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Senator from Louisiana may proceed for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. I thank the Senator from Texas.

Mr. President, let us analyze some of the facts and figures presented in this so-called declassified document, and see what it reveals. It will be noted that for each region, an amount is included under the title "Undistributed." For example, in the case of Europe, for the fiscal year 1960 it is indicated that \$63,727,000 falls under the "Undistributed" heading. The document also shows that for this region the allotment of military assistance for both France and Belgium in the fiscal year 1960 is included within the undistributed amount. Why are not the amounts of military assistance furnished to France and Belgium for the fiscal year 1960 shown? Why should these amounts remain secret?

For Africa, Mr. President, military assistance furnished to Morocco and to Tunisia is grouped together within the undistributed amount.

For the Near East and south Asia, the funds for Lebanon, Pakistan, and Saudi Arabia are likewise grouped.

For the Far East, the funds for the small Kingdom of Laos are similarly included within the undistributed amount.

Mr. President, if the administration tells the American people it is declassifying certain data, but at the same time employs a footnote reference and the classification "Undistributed" to conceal some of the facts, can it be said that the administration is really sincere about this so-called declassification? I believe not. I fear that, once again, we find the administration playing the old pea and thimble game. Once again, Mr. President, it appears to be a case of the hand being quicker than the eye.

Mr. President, I submit that the declassification of the amounts spent for military assistance has not been accomplished. In addition to the use of the footnote reference and the undistributed amount grouping, the section entitled "Nonregional," in the document previously referred to, does an even better job of clothing certain data with the veil of secrecy.

To the uninitiated, this classification would indicate that the funds included thereunder are being used to finance military assistance programs throughout the free world. However, Mr. President, that is not the case.

For the period 1950 through 1960, approximately \$2.2 billion has been allotted to the so-called nonregional area. Do you know where most of these nonregional funds are being used, Mr. President? They are going to Europe, a region which has received more than \$14 billion of military assistance since the fiscal year 1950.

Let us look at some of the fancy titles assigned to the items included under the "Nonregional" classification which effectively conceal the name of the country or area where the funds will be used. There is the "Mutual weapons development program," which is no more than a program of research and development carried out by the countries of Western Europe, and financed by us, either in whole or in part. There is also, Mr. President, "NATO infrastructure," for which we have contributed more than \$700 million since 1950. These funds have been used to finance, in part, common-use facilities and bases which form a part of the NATO complex.

Among the other items included in the nonregional area, all of which are programed for Western Europe, are the "Weapons production program," the "NATO Maintenance Supply Services Agency," and the "Modernization program" which was recently instituted in the fiscal year 1960.

Mr. President, it is not my desire to take up any more of the time of the Senate with a further analysis of the data presented in the so-called declassified document on military assistance. However, I wish to put the administration on notice that when the hearings on the foreign-aid bill are held by the Senate Appropriations Committee, I intend to seek complete declassification of the military assistance program. I am sick and tired of having facts concealed from the American taxpayer, under the guise of security; and, once again, I will make every effort to remove the veil of secrecy which has shrouded the foreign-aid program since its birth.

#### TRIBUTE TO HILDA WEINERT BY DEMOCRATIC PARTY IN TEXAS

Mr. JOHNSON of Texas. Mr. President, today the members of the Democratic Party in Texas are honoring a great woman, Hilda Weinert, of Seguin, for extraordinary devotion and long years of dedicated service to her party, her State, and her Nation.

Gov. Price Daniel and members of the State Democratic executive committee will join several hundred of her countless friends in honoring Mrs. Weinert at an appreciation tea in the Governor's Mansion.

Mrs. Weinert has served faithfully in outstanding manner as Democratic national committeewoman from Texas, as well as a member of the State Demo-

cratic executive committee, a position she now holds as committeewoman from the 19th State senatorial district, my home district.

It has been my privilege to know many loyal and dedicated people, but I know of none more selfless than Mrs. Hilda Weinert in their dedication to the high principles of their party and their Nation.

By her willingness to work, to assume oftentimes burdensome duties, Mrs. Weinert has set for all who aspire to serve an extraordinary example of inspired dedication.

Countless hundreds, in Texas and across the Nation, share my feelings of affection and esteem for this very great woman.

I am proud that Texas today is recognizing a career of extraordinary devotion to party and to the Nation. And I am honored to participate in this small degree in a tribute to a great Democrat, a great Texan, a great American, and a magnificent lady.

#### CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, for several days the press has carried news stories that some plan was afoot whereby the Senate was preparing to accept, without dotting an "i" or crossing a "t", such bill bearing the title "Civil Rights" as the House of Representatives might finally enact.

This rumor, emanating from some source, has now become generally accepted. It is proclaimed in editorials, in practically all of the news stories, and even in the cartoons, that the Senate is incapable of passing upon this question and that we will accept and approve, without change, or, indeed, even scarcely reading, any bill bearing the label of "Civil Rights" which the House may hammer out in its present debate.

Mr. President, there have been times when I have felt some doubts about the capacity of the Senate to legislate properly and objectively. However, I have not yet reached the stage of being willing to admit that we are wholly incompetent and that we are compelled to send out the Macedonian cry to the other body to come over and help us with this sensitive and emotion-charged issue.

When was this decision made? Who was authorized to decide that the Senate would accept the House bill without question? I cannot believe that our leadership is willing to make a public declaration that the Senate is so completely bankrupt in statesmanship.

If such a decision has been made, Mr. President, I unhesitatingly assert that the Senate, since February 15, has been enacting the saddest farce that has ever been played on any parliamentary stage.

After meeting for more than 2 weeks, when we met each day for 12 hours a day, the Senate was kept in continuous session for 1 entire week. It was so long that it set a new record of continuous session of the Senate.

As one who participated in this round-the-clock meeting, I had no idea that it was a mere gesture and that all of the



efforts and sacrifices entailed would be wiped out by a declaration that we would simply accept any bill passed by the House of Representatives.

I wish to warn anyone who may have been taken in by this constantly increasing propaganda, to the effect that the Senate has merely been playing in the sand for the past 4 weeks, that he is probably in for a rude awakening when the bill does come to the Senate from the other body.

#### WELCOME TO CHANCELLOR ADENAUER

Mr. WILEY. Mr. President, in the jet-space age of high-speed travel, the governments of the world, and leaders of nations have been better able to stay in touch, to discuss problems, to attempt to find solutions for differences, and to engage in cooperative efforts to promote progress and peace.

During recent months, the trips of President Eisenhower have symbolized the new age of "personal diplomacy" at its best.

Now, as we know, West Germany's Chancellor, Dr. Konrad Adenauer, will arrive in Washington tonight. As Chancellor, Konrad Adenauer has—during the trying postwar years—been a formidable Rock of Gibraltar against communism. Too, he has been an outstanding leader among the Western European nations, striving to reconstruct their devastated countries and reestablish a sound foundation for their economies.

In addition, he has become a leader and a strong voice in the affairs of the free world, attempting to deal with the global, military, economic, psychological, and ideological efforts of expansion by the international conspiracy of communism, as well as to promote progress and peace.

Although Dr. Adenauer's visit is not a formal one, there are expected to be informal discussions on such serious, complex problems as the upcoming summit conference, the Communist threat in Berlin, reunification of Germany, disarmament, and other questions affecting the mutual interests of our two countries, as well as the free world.

Recognizing the significance of these problems to both our countries, this further effort, through informal discussions, to find sound, mutually agreeable solutions to these issues is a most worthy undertaking.

As he arrives in our Nation's Capital, I believe that Dr. Adenauer, as a staunch defender and supporter of freedom, deserves—as I am sure he will receive—an openhearted welcome by our Government and the American people.

#### MILLION DOLLAR SAWMILL COMES TO PHILIPSBURG, MONT.

Mr. MURRAY. Mr. President, it is with great pleasure that I can report to the people of Montana that a new and modern sawmill is being constructed at Philipsburg.

We have a bountiful supply of timber available for industrial development in Montana. It has been my constant endeavor to encourage new industry to

come to our State, but I have never undertaken to suggest any particular county or community; that is a decision the businessmen must make themselves. I am pleased that I have been able to assist in bringing this enterprise to our State. Last fall, when the principals of this new firm approached me for assistance, I was able to arrange for Mr. Grambo, of the U.S. Forest Service in Missoula, and Mr. Wolf, of the Senate Interior Committee staff, to assist them in discovering some of the excellent techniques that Swedish plants have developed for utilizing small timber.

This new mill at Philipsburg will operate primarily on lodgepole pine and thus it will utilize a species which is in great abundance but now little used in the West. This is a pioneer operation being constructed by experienced lumbermen who have come into our State from neighboring Oregon. On behalf of myself and my colleague, the junior Senator from Montana [Mr. MANSFIELD], I wish to express our pleasure in seeing new industry embark in our State, and we wish them every success.

I ask unanimous consent that an article by Molly Cutts from the March 6 issue of the Montana Standard be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

#### PHILIPSBURG TO GET \$1 MILLION SAWMILL (By Molly Cutts)

Philipsburg, a pioneer mining town, will profit in the future by pioneering in the lumber industry.

Construction will begin April 1 on a million dollar sawmill which will utilize small timber in lumber production from the plentiful and long-neglected lodgepole pine.

A. E. Hurl, vice president of the Montana Forest Products Co. which will build the new mill, is the general manager of the plant. This week he said the plant's payroll will total a half million dollars annually.

But the benefits of the new industry will not only be monetary. The logging operations will open new, and improve old, recreational areas in the Deer Lodge National Forest and will provide opportunities for practicing forestry techniques for the betterment of the forest.

Hurl said that his firm is considering further expansion in this area and has taken two options on another mill site on the highway between Butte and Anaconda.

Grading of the 80-acre Philipsburg site on the southwest edge of town will begin in 3 weeks, Hurl said. Facilities will be complete and production will begin early this fall. A Northern Pacific Railroad spur will be built to the millyard.

Planned as a complete milling operation, the plant will have facilities for debarking, chipping and planing and will have three dry kilns. Wood not merchantable as lumber will be chipped and sold to a pulp plant in Missoula.

The forest products company has, to date, purchased 68 million feet of lodgepole pine, fir and spruce at five Forest Service sales and also has contracted for private timber in the area. A private contractor now is logging 3 million board feet for the new mill.

According to Bill Williams, ranger for the Philipsburg district of the forest, when logging is completed in the present sales, 100 miles of forest roads will have been constructed.

The roads will be built to Forest Service standards with supervision provided by the Philipsburg ranger's office. The main roads

will be 14 feet wide with turnouts and a maximum grade of 6 percent. The secondary roads will be between 10 to 14 feet wide.

#### SMALL TIMBER

The type of trees in the Deer Lodge Forest are considered small timber, especially the lodgepole pine. The sawmill will be constructed to handle trees 6 inches in diameter and larger. Other mills in Montana and Idaho can mill nothing smaller than 8-inch trees.

Main uses at present for lodgepole pine is poles and fence material. The Philipsburg mill will manufacture it into building lumber, but more research is necessary to discover additional markets for this type of timber which is so abundant in this area.

Hurl, who also is vice president of the Oregon Alder-Maple Co. in Willamina, Oreg., will arrive in Philipsburg to make his home the first part of April. Any decisions concerning further developments of the Montana Forest Products Co. will hinge upon the success of the present operation, he said.

The company has bought 27 million feet of timber in the Beaverhead National Forest, near Wise River and is considering purchasing more in that area which will produce the lumber for the proposed second mill, Hurl said.

#### OTHER OFFICERS

Besides Hurl, other officers of the company are: Duane Autzen, president, and Henry Buehner, vice president. Both men will continue to make their homes in Portland where they are also engaged in the lumber business. John Underwood will be the timber and land superintendent for the company.

Because the members of the new firm, although all experienced lumbermen, were not well versed in the milling of small trees, Autzen, Buehner, and Hurl, accompanied by Earnest Grambo of the timber management department in Missoula, and Robert Wolf, staff member of the Senate Interior Committee in Washington, D.C., spent several weeks last year in Sweden which is well known in the lumber business for utilizing smaller timber products. The group also visited Germany before going ahead with plans for the Philipsburg mill.

The new mill will employ a combination of Swedish and American ideas. The projected cut for the plant will be between 25 to 30 million board feet annually. Between 60 and 80 men will work at the mill and about 80 will be assigned to logging and road construction in the forest. The new industry will increase the population of Philipsburg by about 300 to 400 residents. The mill will operate on a two-shift-a-day basis.

Gross sales will total approximately \$2,-340,000 annually which is enough lumber to build 1,500 houses. The lumber will be marketed in the Midwest.

The new mill will use much timber which formerly was wasted in logging operations in this area because it was too small. Under the Forest Service's tree harvest plan the mill will be permanently supplied with logs from the nearby area.

The forest will be improved by the clear cutting methods now advocated by the Forest Service for lodgepole pine. These trees are highly susceptible to mistletoe which ruins them for marketing purposes. By cutting all the trees in a block, a new disease-free stand can become established. About a third of the trees in each sale will be cut in the next 3 years.

#### CIVIL RIGHTS LEGISLATION— AMENDMENTS

Mr. ERVIN. Mr. President, I present to the Senate three short amendments to the Dirksen amendment in the nature of a substitute for H.R. 8315 and ask that the amendments be read by the

clerk, be printed in the Record at this point, and lie on the desk until called up.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I shall not object—I wonder if the Senate could be informed as to the number of amendments now pending at the desk.

The PRESIDING OFFICER. The Chair would like to report to the Senate that the clerks have made an actual count, to verify their estimate as to the number of qualified amendments to the pending legislation which are at the desk, and find that there were 42 such amendments when the session opened today. Three others have been added since then. That makes a total of 45.

There are other amendments, 10 or more, pending at the desk, which have not been qualified. The clerks assume that some of them, at least, are duplicated by amendments which have been offered and qualified.

Mr. SMATHERS. Mr. President, reserving the right to object—and I shall not object—I should like to ask the able Senator, as to whose amendments I have great sympathy, whether he expects to have a vote on the amendment this afternoon.

Mr. ERVIN. One of these amendments relates to section 2 of the Dirksen amendment, and it is merely designed to eliminate an unconstitutional provision relating to venue. I would hope the able and distinguished minority leader would accept the amendment when it is called up.

The other two amendments relate to the records provision. One of the amendments is designed merely to save the States millions of dollars. It merely provides that an officer of election or a custodian may dispose of records and papers according to the laws of his State, unless the Attorney General or his representative notifies him in writing within 6 calendar months after the election to which such records and papers relate that the Attorney General demands they be preserved for the full period of 3 years.

The other amendment would merely strike out the provision in the records section, in the third section of the Dirksen amendment in the nature of a substitute, which requires, in effect, the State official to tote his election records to the office of the U. S. attorney, and provides instead they shall be produced for inspection and copying at his office instead of the office of the U. S. attorney.

I would anticipate that nobody would oppose any one of these three amendments.

Mr. SMATHERS. Does the able Senator have any indication from the minority leader in this regard?

Mr. ERVIN. I will say to the able and distinguished Senator from Florida, I have an amendment I desire to call up today. I have an amendment to section 2, which would broaden the coverage so as to apply it to persons who flee in interstate or foreign commerce for the requisite purposes, after using explosives or fire to destroy business or residential properties. There have been several other amendments offered by other Senators along the same line. If some other

Senator desires to call up his amendment, I would support his in preference to my own.

Mr. GOLDWATER. Mr. President, will the Senator yield at that point?

Mr. SMATHERS. I should like to ask one other question of the able Senator from North Carolina before he concludes.

Mr. ERVIN. I yield to the Senator from Arizona.

Mr. GOLDWATER. For the information of my colleague, I intend to call up my amendment pertaining to the same subject to which the Senator from North Carolina has addressed his amendment. My amendment is designated "No. 3-4-60-E." That will supply the Senator from Florida with some information.

Mr. SMATHERS. I wish to ask the Senator a question.

Does that amendment apply to the bombing of school buildings and religious institutions? Would the Senator's amendment broaden the language to apply to all buildings?

Mr. GOLDWATER. I will say to my friend from Florida, that is precisely the intent of the amendment. It would remove the limitation of religious buildings, and would apply to all buildings and all property, such as vehicles or anything else, which might be damaged by fire.

Mr. ERVIN. If the Senator from Arizona proposes to offer his amendment, I would withhold offering my amendment, because his amendment is designed to serve the same purpose mine is.

The PRESIDING OFFICER. The Chair would remind the Senate there is before the Senate a unanimous-consent request for which reservations of objection have been taken.

Mr. MANSFIELD. Mr. President, I withdraw my reservation.

Mr. SMATHERS. Mr. President, reserving the right to object—and I do not intend to object—may I get clear in my mind whether the Senator from Arizona is going to call up his amendment, as to which he answered a minute ago, after the morning hour is concluded.

Mr. GOLDWATER. I am going to seek recognition immediately after the conclusion of morning business. If I obtain the floor, I shall do so.

Mr. SMATHERS. Mr. President, I have no objection.

The PRESIDING OFFICER. Is there objection to the request of the Senator from North Carolina?

Mr. KEATING. Mr. President, reserving the right to object—and I shall not object—may I inquire of my distinguished friend from North Carolina whether he has three amendments which he is sending to the desk?

Mr. ERVIN. Yes. They are three very short amendments. One of them is an amendment to section 2, which I believe the able and distinguished minority leader, who has offered an amendment in the nature of a substitute, will accept, if he will consider it for a moment. All it would do is strike out the unconstitutional provision as to venue which is in the section 2, and allow the matter to be governed by the general laws on that subject, which are entirely adequate and constitutional.

The PRESIDING OFFICER. The Chair would remind the Senate that the

Senator from North Carolina is speaking under the 3-minute rule, which has been expanded by the questions.

Mr. KEATING. Mr. President, further reserving the right to object—

The PRESIDING OFFICER. Unless there is a request for unanimous consent to permit the time to run, the Chair will have to rule the time has expired.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that the Senator may be permitted 3 additional minutes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois? The Chair hears none, and it is so ordered.

Mr. KEATING. Mr. President, may I propound, under the reservation, a parliamentary inquiry?

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. If these amendments are not read at this point, will they be permitted to be offered after cloture is imposed?

Mr. HOLLAND. Mr. President, I did not hear the distinguished Senator. After what? [Laughter.]

Mr. KEATING. The word was "cloture"—c-l-o-t-u-r-e.

Mr. HOLLAND. I thought we had forgotten that word, Mr. President.

The PRESIDING OFFICER. If an amendment is properly and formally offered it can be read at any time prior to the limitation due to cloture.

Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. DIRKSEN. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DIRKSEN. The Presiding Officer announced there were some 45 amendments which qualified under the rule both as to presentation and as to reading. I was of the opinion that the number probably was closer to 60. That brings to focus the inquiry. There are, I am sure, additional amendments on the desk. I am not sure, however, that they have been presented and qualified not only under the rule but also in the light of the understanding which was contrived with respect to amendments to the substitute.

The PRESIDING OFFICER. Is the Senator propounding an inquiry?

Mr. DIRKSEN. Yes.

The PRESIDING OFFICER. As to how many amendments have been presented and qualified?

Mr. DIRKSEN. I wanted to be sure that the Record was correct. The number of 45, as announced by the Presiding Officer, I believe refers to amendments which were all qualified. I believe the number does not take into account still other amendments which have been submitted and which are on the desk, for which no qualification has been requested.

The PRESIDING OFFICER. There are approximately 45 amendments which have been qualified, and other amendments which have not been qualified. Any amendment which is at the desk but which has not been qualified can be offered again at the proper time and can be read and can qualify.



Mr. DIRKSEN. If the distinguished Senator will yield further, the Senator has presented his amendments for qualification, I take it.

Mr. ERVIN. Yes.

The PRESIDING OFFICER. That is the request which is now before the Senate.

Is there objection to the reading by the clerk of the amendments offered by the Senator from North Carolina? The Chair hears none, and the amendments will be stated for the information of the Senate, and will lie on the desk.

The CHIEF CLERK. On page 3 of the Dirksen amendment it is proposed to strike out lines 18 to 22, both inclusive.

On page 5 of the Dirksen amendment insert a period after the word "made" and strike out the following words on lines 8, 9, and 10: "or at an office of the United States attorney in the district in which such records or papers are located."

On page 4 of the Dirksen amendment change the period after the word "custodian" on line 15 to a colon and insert these words between such colon and the word "any" on line 16:

*Provided, however, an officer of election or custodian may dispose of records and papers according to the laws of his State unless the Attorney General or his representative notifies him in writing within six calendar months next succeeding the election to which such records and papers relate that the Attorney General demands that such records and papers be retained and preserved for the full period of three years.*

#### ADMINISTERED PRICES IN THE DRUG INDUSTRY

Mr. DIRKSEN. Mr. President, on other occasions I have pointed out that what I deem to be misleading exhibits have crept into the hearings of the Senate Antitrust and Monopoly Subcommittees with reference to administered prices in the drug industry. Obviously such exhibits can result and have resulted in misleading headlines and on this point I submit for the RECORD a very interesting letter from Joseph B. Sprowls, dean of the School of Pharmacy of Temple University in Philadelphia.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

TEMPLE UNIVERSITY,  
SCHOOL OF PHARMACY,

Philadelphia, Pa., February 26, 1960.

HON. EVERETT M. DIRKSEN,  
Senator from the State of Illinois,  
Senate of the United States,  
Washington, D.C.

DEAR SENATOR DIRKSEN: I have read with great interest your address before the Senate of the United States on Friday, January 22, and I wish to congratulate you upon the honesty, courage, and perspicacity which you have demonstrated in your statements.

Unfortunately, many persons become emotional when the subject of drug prices is discussed. Perhaps this is because we seem to be placing a price upon health—perhaps even life itself. Obviously, these same considerations are involved in all other costs of medical care, whether they be hospital charges or physician's fees. Some of our legislators choose to prey upon the emotions of the electorate by focusing special attention upon these charges.

In their zeal to demonstrate concern for the public welfare, they have gone so far as to unfairly distort the facts. Attempts to demonstrate excessive profits by the use of calculations involving only the basic cost of ingredients and the ultimate selling price of finished products are, as you have indicated, gross misrepresentation of the truth. None but the most naive will be misled by such tactics. Fortunately, your testimony has served to indicate some of the other factors which must be considered before a true profit figure can be calculated.

It is quite true that the pharmaceutical industry has shown remarkable growth in the United States during the past 25 years. To an interested observer, such as myself, this is no surprise. A number of factors have contributed materially to this success; but, one of the most important of these has been research—that same research which has helped to provide for the American public the highest standard of medical care which the world has ever known.

Medical and pharmaceutical research owe their stimulus to the highest of humanitarian ideals—the desire to relieve suffering and to save lives.

On the other hand, the motive which stimulates the investment needed to make such research possible is the profit motive. Only the profit motive could bring forward the billions of dollars needed to build, equip, and staff the wonderful research laboratories which have been developed by leading pharmaceutical manufacturers. The same profit-supported research which has made our transportation and communication systems the envy of the world has also brought to us the best in lifesaving drugs.

If we are now to have legislation which prevents the making of honest profits on the manufacture and sale of drugs, then our country and our Government have certainly reached their declining years. For the only alternative is total socialism—Government-directed medical practice and research. Surely we have not reached the time when we are considering the abandonment of the competitive enterprise system and the substitution of a socialized or communistic plan? Yet, if it can happen to the pharmaceutical industry, it can happen to any other industry and the American ideal can disappear forever from the face of the earth.

Again, I am grateful that you and others like you have not taken unfair advantage of this problem—that you have been honest in your statements and firm in your convictions. We must depend upon actions such as yours to prevent us from being stampeded into emergency legislation which may be unfortunate or even disastrous. Many of the proposals which are now being made by the chairman of the investigating committee would seriously curtail the research efforts of pharmaceutical companies and would impair the discovery and development of new drugs. Let us hope that an enlightened electorate will never permit this to happen.

Sincerely yours,

JOSEPH B. SPROWLS,  
Dean.

#### SOCIAL SECURITY BENEFITS FOR ELDERLY PEOPLE

Mr. DIRKSEN. Mr. President, great interest has been expressed both for and against the so-called Forand bill now pending before the House Ways and Means Committee. Individuals and groups have been active either in support of or opposition to this proposal to utilize the social security insurance principle to provide health and medical benefits for recipients of old-age survivors insurance benefits under the Social Security Act.

I have been quite interested in a special program developed by the Illinois State Medical Society to provide benefits for people over 65. It is an all-inclusive program and I believe what it offers by way of benefits, medical care, and professional services and what the cost would be would certainly be of interest to all persons who are dealing with this matter.

I, therefore, ask unanimous consent to have this proposal by the Illinois State Medical Society included in the RECORD as a part of my remarks.

There being no objection, the proposal was ordered to be printed in the RECORD, as follows:

ILLINOIS STATE MEDICAL SOCIETY,  
Chicago, Ill., March 11, 1960.

Re Forand bill.

HON. EVERETT MCKINLEY DIRKSEN,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR DIRKSEN: As you are aware, we have been very much concerned with the difficulties of our older citizens to provide for their health needs at a time of life when their income is decreasing and their medical needs are increasing. The medical profession has been studying this problem and working on solutions offering a cheap and realistic answer.

We are happy to inform you that on February 25, 1960, the Illinois State Medical Society announced a low-cost voluntary insurance program for persons over 65, to be administered by Blue Shield. This program will cost about \$1.65 a month per person. Its benefits include allowances for surgical and in-hospital medical care and certain diagnostic procedures. Preexisting conditions are covered after 180 days of membership and no physical examination is required.

The officers of the society anticipate that the majority of doctors will accept the scheduled allowances as payment in full for those with limited assets and with incomes of less than \$2,000 per person or \$3,000 per couple.

This is just one program of the Illinois State Medical Society which is evolving under our free enterprise system to meet the needs of our people as they arise. No controls are imposed on anyone and no tax moneys are required.

An accompanying low-cost hospitalization program for those over 65 is expected to be made available by Blue Cross within the very near future. We hope that you will bear these developments in mind when evaluating legislative proposals which purport to deal with this particular problem.

Very truly yours,

JOSEPH T. O'NEILL, M.D.,  
President.

FACT SHEET RE ILLINOIS STATE MEDICAL SOCIETY'S MEDICAL CARE INSURANCE PLAN FOR PEOPLE OVER 65

#### THE BACKGROUND

Following recommendations of the American Medical Association and a directive from the house of delegates of the Illinois Medical Society this new program has been developed by the society.

#### THE PURPOSE

This program is designed to make it possible for the person over 65, who has to go to the hospital for an operation or in-hospital medical care, to have a practical plan to help him pay the physician's bill.

Growing life expectancy has resulted in over 900,000 people in Illinois now being in the over-65 age group. In George Washington's time, the lifespan was a mere 35 years. In Lincoln's day, it was 38 years, and today, it is 70.2 years and still rising rapidly.

## THE NEED

Many of these people over 65 are living on social security or on small pensions. A large number of them have no medical plan and find it difficult to finance surgical and in-hospital medical care. To help them finance such care, the voluntary way, this program has been developed.

## THE SCOPE

This program will provide benefits for the over-65 subscriber who has to go to the hospital for an operation. A schedule of maximum allowances has been developed which provides allowances according to the type of operation. And the subscriber may receive benefits up to a maximum of \$200 in a 90-day period for surgery performed in a hospital.

The plan also will provide 30 days of in-hospital medical care benefits for those who do not require an operation but do need medical care in a hospital.

## SPECIAL FEATURES

Preexisting conditions are covered after 180 days of membership. People can get benefits over and over again for the same condition. For example, a subscriber may receive benefits for a number of cancer operations or he may receive 30 days of in-hospital medical care benefits over and over again for a heart ailment, any time he has been out of the hospital for 90 days.

## BENEFITS THIS PROGRAM WILL OFFER

Surgical benefits vary from \$5 for lancing a small abscess to \$200 for a gastrectomy (removal of stomach.)

Allowances are provided for surgical services for correction of fractures or complete dislocations.

A maximum of \$200 in surgical allowances may be provided in a 90-day period.

## General medical care in a hospital

In-hospital medical care will be covered to the extent that when a patient is hospitalized for 3 or more consecutive days of bed care, the plan will pay the physician \$5 for each of the first five daily visits and \$3 for each of the next 25 daily visits \* \* \* for a maximum of 30 daily visits.

If subscriber is discharged from the hospital and 90 days separate date of discharge and readmission, he may receive allowances for another 30 daily visits of his physician.

## Other professional services

## Schedule of allowances

Diagnostic X-ray service: A maximum of \$50 per illness or accident.

Radiation therapy: A maximum per calendar year of \$150 for treatment of malignant conditions with X-ray, radium, radon, and radioactive isotopes and \$50 for superficial malignancy.

Clinical and surgical pathology: A maximum of \$50 per accident or illness.

Anesthesia: a maximum of from \$10 to \$35 per procedure to the anesthesiologist.

Shock therapy: A \$10 allowance per electric shock treatment, \$3 per insulin shock treatment, with a maximum of \$50 per calendar year for a series of each type of treatment.

## Examples of maximum surgical allowances

Abdomen:	
Appendectomy.....	\$100
Removal of gall bladder.....	125
Brain: Removal of brain tumor.....	200
Breast:	
Removal of breast, nonmalignant, one side.....	50
Removal of breast for malignancy.....	125
Chest:	
Exploration of chest cavity.....	100
Removal of lung.....	200
Fractures:	
Ankle, bimalleolar; including Potts.....	75
Phalanx, one finger or thumb, simple.....	15

## Examples of maximum surgical allowances—Continued

Dislocations:	
Knee (tibia) simple.....	\$75
Shoulder (Humerus) simple.....	50
Cardiovascular: Ligation and division of saphenous vein of leg.....	50
Genitourinary tract:	
Removal of kidney.....	150
Prostatectomy, transurethral resection.....	125
Hernia:	
Hernia repair, one side.....	75
Recurrent.....	100
Infections:	
Drainage of furuncle.....	5
Drainage of carbuncle.....	25
Gynecology: Removal of uterus (total).....	125
Paracentesis, tapping:	
Abdominal drainage.....	15
Chest drainage.....	10
Rectum:	
Removal of anus, rectum, and lower colon one or two stages.....	200
Hemorrhoidectomy, internal.....	50

The Blue Shield plan of Illinois Medical Service has been requested and has agreed to cooperate with the Illinois State Medical Society in underwriting and offering this program to the public in the near future.

## CIVIL RIGHTS LEGISLATION

Mr. RUSSELL. Mr. President, for the past several weeks those of us who belong to the embattled band called southern Senators have been undertaking to bring to the country the full facts about the provisions of the so-called civil rights legislation now before the Senate.

In that effort we have met with many frustrations. There has been a peculiar reluctance on the part of some elements of the press and other news media to report the sound, logical, and unanswerable arguments which my colleagues have presented hour after hour on this floor.

I am happy to report today that not all ears have been deaf to our arguments; not all eyes have been closed to the truth; not all minds have been locked against reason.

I hold in my hand two newspaper items, appearing in two different newspapers in different sections of the Nation—both outside the South—which indicate that the long hours we have spent here have not all been in vain.

One of these items is an article entitled "Civil Rights Fate Uncertain," written by George Todt and published in the Valley Times, of North Hollywood, Calif., on March 7, 1960.

The other is an outstanding editorial entitled "Guard All Civil Rights," published in the Indianapolis Star of March 7, 1960. Both of these items shed an interesting light on the question now before the Senate, and I ask unanimous consent that they be printed in the RECORD at this point as a part of my remarks.

There being no objection, the article and editorial were ordered to be printed in the RECORD, as follows:

[From the North Hollywood (Calif.) Valley Times, Mar. 7, 1960]

CIVIL RIGHTS FATE UNCERTAIN  
(By George Todt)

"I have but one lamp by which my feet are guided, and that is the lamp of experience."—Patrick Henry.

What will be the result of the extended debate—some call it filibuster—which a determined minority of southern Senators have launched over the past 10 days in connection with the controversial civil rights bill?

Will it eventually succeed in winning some degree of moderation, of compromise, in the measure which—as it now stands—calls for "immediate, total integration" without delay?

Most responsible blacks and whites in the South do not believe that this is the correct answer. They think that "make haste slowly" is a wise adage to follow in this instance. It may come as somewhat of a surprise to many outside Dixie, but the truth is that the overwhelming majority of southern Negroes, themselves, don't want to be mixed into the white cultural pattern.

Completely overlooked is the fact that the Negro has developed himself more in the South—with the generous help of his white friends there—than anywhere else on earth, including Africa.

To go a step further, it is entirely possible that the Negro in the South has been happier, taken by and large, than he has been anywhere else he has been found in large numbers.

Curiously enough, there is no mention in many segments of the communications media of the United States of the great outpourings of love and affection which the white Southerners have lavished on their brothers of darker hue in times past.

Certainly, it hasn't always been a bed of roses. But when we look at the big picture it is well to view the overall effect instead of the pinpricks. And what do we see? Simply this: Millions of Negro citizens who have been helped upward faster in the South than elsewhere in the world. Their climb has been spectacular.

We must remember that up to 100 years ago, the black man was only a short step removed from the savage jungle of Africa. This was a land where, below the Sahara Desert, no civilization worthy of the name had flourished in historical times. There was no backlog of culture extending back thousands of years as in the case of the Mediterranean basin, of Europe and of Asia.

Look at the American Negro today, especially in the South. There millions of his race are congregated in conditions which reflect tremendous improvements over the past in his climb up the ladder of civilization—which takes time for all of us.

When observed against the backdrop of time and history, the development of the Negro in America has been breathtaking and highly admirable in nearly all respects. What he can be proudest of is the remarkable rate of progress he has exhibited—from humblest beginnings only a century or more ago to the significant place he is taking in the American way of life today. What other race has done more?

Let's give credit where it is due. Instead of berating the southern whites because they may not have done more, I think we can all afford to be grateful for what they have already done. Think of the financial load they have carried. They have given generously of themselves for the subsequent welfare of the black human cargo suddenly liberated from slavery in the days of Abraham Lincoln. Not only in taxes, but in friendship.

Rome wasn't built in a day and the path of the black and white relationships in the South won't be solved overnight, either.

When the ultimate brand of correct relationships are finally worked out—whatever this will be—it must come spontaneously from the human heart, not enforced legislation rammed down the human throat.

Let us hope that racial love instead of hatred will prevail here.



[From the Indianapolis Star, Mar. 7, 1960]

#### GUARD ALL CIVIL RIGHTS

The Supreme Court has upheld the 1957 Civil Rights Act. For the first time the Attorney General now has a clear "go" sign to use this new legislation. It empowers him to seek remedy through the courts on behalf of Negro citizens who charge that their right to vote is being denied in violation of the 15th amendment.

In view of the fact that only now does it begin to be possible to learn by practice the effectiveness of the 1957 act, it is unseemly haste to be trying to put through another civil rights act, aimed at the same objective.

What is being proposed now, in various forms, is that where there is a finding that Negroes are being denied their voting rights the Federal Government would move in and take over the election machinery. This would destroy a principle which has been paramount since the Constitution was written—the principle that the conduct of elections is a State function and that the individual State has the right and the responsibility to determine and apply the qualifications for voting. The scope of this right has been limited by the 15th and 19th amendments, but the responsibility has been left with the States, where the Constitution places it.

The 1957 act gave to the Attorney General broad new powers to initiate court action to enforce the 15th amendment. And it also made a fresh departure from the traditional relationship of the Federal Government to the States by empowering the Attorney General to move directly against individual election officials, rather than against State laws and institutions.

The action now being proposed in Congress would go much further along this line of departure. It would empower Federal agents to elbow State or local officials aside, taking over their legal functions. We don't see how this procedure could seriously be regarded as anything but a violation of the Constitution. The precedent for such action—the carpetbagging of the Reconstruction era—makes a very poor recommendation for trying it again.

We believe wholeheartedly in the spirit and purpose of the 15th amendment. The Negro absolutely is and should be entitled to the same right to vote, under the same conditions, as any other citizen. We think that every State ought to accept and support this principle, and that none should stoop to devious devices for denying the equality of the vote.

We believe also in the rest of the Constitution, and particularly in the structure of it which rests on a precise relationship between the Federal Union and the sovereign States. The establishment in fact of the equal right to vote, in those States or localities where it still is denied, should go forward. But it should be carried forward in strict, painstaking adherence to the basic principles of the Constitution. There is no profit in upholding one part of the Constitution if another part is destroyed in the process.

#### OWNERSHIP OF THE AIR

Mr. McGEE. Mr. President, during the past few months we have witnessed with deep concern the exposure of fraud, including payola, and other developments in the broadcasting industry, culminating more recently in the resignation of the Chairman of the Federal Communications Commission, because of some questionable conduct.

All this brings to mind the state of the communications industry in this country and the importance of someone somewhere having a searching look into

its fundamental premise, its basis for operation, and its service to the people as a whole.

I have encountered a tract which sheds a little information on such a discussion. We ought to put all of it before us that is possible, without any consideration as to which side or which point of view is represented, or what end is being sought.

In this particular tract there is quoted an interesting statement made on February 27, 1922, which I should like to read at this time:

It is therefore primarily a question of broadcasting, and it becomes of primary public interest to say who is to do the broadcasting, under what circumstances, and with what type of material. It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter.

That statement was made on February 27, 1922, by the then Secretary of Commerce, Mr. Herbert Hoover.

Mr. Hoover goes on to say, in this same particular declaration:

We hear a great deal about the freedom of the air, but there are two parties to freedom of the air, and to freedom of speech, for that matter.

The ether is a public medium, and its use must be for public benefit.

There is freedom for those who broadcast, and there is freedom for those who listen. There has been a tendency to forget the freedom which we call the public interest, and to forget the rights of the public.

I ask unanimous consent to have printed in the RECORD at this point as a part of my remarks an article entitled "Ownership of the Air," written by George E. Sokolsky and published in the Washington Post of recent date.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post]

#### OWNERSHIP OF THE AIR

(By George E. Sokolsky)

Radio and television, as presently organized in the United States, owe their existence to Herbert Hoover when he was Secretary of Commerce. Experimental stations had been established by the Westinghouse Electric & Manufacturing Co. at Pittsburgh and the General Electric Co. at Schenectady. There were about 50,000 poorly developed receiving sets in this country at the time that Herbert Hoover entered the Department of Commerce. The crystal set with earphones intrigued youngsters and many sets were homemade. It was not long before there were 320 radio stations in the country and the number was swiftly increasing. They were unlicensed, unregulated, and their interference with each other turned the air into a Tower of Babel.

The Secretary of Commerce was authorized by law to regulate radio which was still mainly a ship-to-shore telegraph system. The first national conference of those engaged in this industry was called by Secretary of Commerce Herbert Hoover on February 27, 1922. On that occasion, Hoover said:

"We have witnessed in the last 4 or 5 months one of the most astounding things that have come under my observation of American life. This Department estimates that today over 600,000 persons (one estimate being 1 million) possess receiving sets, whereas there were fewer than 50,000

such sets a year ago. We are indeed today upon the threshold of a new means of widespread communication of intelligence that has the most profound importance from the point of view of public education and public welfare. The comparative cheapness . . . of receiving sets . . . bids fair to make them almost universal in the American home.

Further, he said:

"It is therefore primarily a question of broadcasting, and it becomes of primary public interest to say who is to do the broadcasting, under what circumstances, and with what type of material. It is inconceivable that we should allow so great a possibility for service to be drowned in advertising chatter."

Subsequent conferences were called annually and the industry cooperating with the Department of Commerce devised a system of private ownership under public control. In February 1927, Congress passed an act which finally established the public ownership and regulation of the wave channels. These wave channels are now the property of the Government of the United States, licensed to private companies for operation under specific conditions.

To clarify the position of the Government, Secretary of Commerce Hoover said on March 10, 1924:

"I can state emphatically that it would be most unfortunate for the people of this country, to whom broadcasting has become an important incident of life, if its control should come into the hands of any single corporation, individual, or combination."

"It would be in principle the same as though the entire press of the country were so controlled. The effect would be identical whether this control arose under a patent monopoly or under any form of combination or over a wave channel."

While Hoover, in establishing the system which is in operation today, was opposed to censorship and never included such a possibility in any control measure, he did say on November 9, 1925:

"We hear a great deal about the freedom of the air, but there are two parties to freedom of the air, and to freedom of speech for that matter. There is the speechmaker and the listener."

And,

"The ether is a public medium, and its use must be for public benefit. The use of a radio channel is justified only if there is public benefit. The dominant element for consideration in the radio field is, and always will be, the great body of the listening public."

The first Commission to regulate radio was appointed by President Coolidge on the recommendation of Hoover. None of them was a politician. The public interest in radio, the public right in radio and television has never been abandoned. It exists today and the instrument for enforcing the public right is the FCC. When a cheap, vulgar exhibitionist uses the television to establish that he is entitled to speak outrageous language and foul descriptions on television, he is violating the public right and he should be put off the air. This is not censorship; it is a declaration of ownership. It is not a question of libel or slander; it is a question of decency and good taste.

#### CIVIL RIGHTS SKIRMISHING

Mr. KEATING. Mr. President, there is ever-increasing evidence of a concerted effort to reduce the administration's civil rights package to a voting rights measure. On Friday we witnessed the execution of a masterful and successful one-two punch which knocked

out the obstruction of justice section of the Dirksen amendments. Now we are beginning to read reports that everything but the voting section of the Dirksen amendments is merely a fringe benefit on which we should not be wasting our strength.

Mr. President, I do not subscribe to this view. I believe every section of the Dirksen amendment is of critical importance. I believe we will not be meeting the problems in this field with effectiveness if we ignore any of these other provisions. I do not know of others, but I shall gladly devote my strength, my time, and my determination to trying to save from destruction as much of the civil rights package as can possibly be salvaged.

Of course, I recognize the prime importance of protecting the right to vote. I know that such action is the key to long-range improvement in the second-class status of the political rights of many Americans today. The franchise is the birthright of every qualified American—the essential ingredient of any democracy—the best means of self-protection against oppression of any group.

But protecting the right to vote will not protect children from being molested by diehard segregationists when these children attempt to enter desegregated schools.

It will not protect churches and schools and homes from destruction by the hate bombers. It will not allow the Federal Government to do its part in implementing the constitutional guarantee of equal protection of the laws. It will not allow arrangements to be made to educate the children of our Armed Forces personnel in areas in which the public schools have been closed in defiance of the law of the land. It will not allow the Federal Government to avoid subsidizing discrimination in employment under Government contracts. All these things and more should be done if we are to be true to our responsibilities.

There is admittedly some basis for pessimism, but I refuse at this stage to fall prey to any defeatist psychology. We have lost ground in the early skirmishes but the fight is still on. Those of us interested in this cause can still obtain an effective bill if we reject the counsel of defeatism and redouble our efforts to achieve our righteous objectives.

#### DRIVE OPENED TO SPUR U.S. EXPORTS

Mr. KEATING. Mr. President, the New York Times yesterday ran an article discussing this Nation's recently initiated efforts to increase exports and in this way to come to grips with our growing balance-of-payments dilemma.

It is widely recognized, Mr. President, that the \$4 billion deficit in America's balance of payments last year dramatized the need for action on all possible fronts to alleviate this condition. The continuation of our balance-of-payments deficit at the present rate would almost certainly lead to serious domestic and international economic consequences. One of the most direct and logical ways

to deal with this deficit is to increase America's exports. For this reason, I am greatly pleased to call attention today to the administration's plans to improve the information and financing services available to American exporters as a means of increasing the amount of U.S. goods shipped overseas. I commend the administration for these efforts and ask unanimous consent that the article from the New York Times to which I have referred be printed at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 13, 1960]  
UNITED STATES OPENS DRIVE TO SPUR EXPORTS—PUTS HARD-SELL STIMULATION PROGRAM INTO EFFECT—DELAYS ANNOUNCEMENT

WASHINGTON, March 12.—The Government is putting a hard-sell export stimulation program into effect without waiting to announce it.

The plan was prompted by the big deficits over the last 2 years in the U.S. balance of international payments—\$3,500 million in 1958 and an estimated total of \$3,700 million in 1959. To help correct the deficit, the Government has developed a package of aids to the sale of American goods abroad.

None of the aids are new, but all are getting new emphasis. In the final analysis, much will depend on the efforts of businessmen themselves.

The balance of payments is the difference between total payments to foreigners and total receipts from foreigners.

#### FILIBUSTER DELAYED HEARING

A payments deficit results when the citizens, businesses, and Government of the United States spend, lend, and invest more dollars abroad than foreigners spend, lend, and invest here. The dollars spent for imports, and the dollars received from sale of exports, are the biggest parts of the payments out and in.

The administration is counting on cutting the deficit by substantially increased export sales rather than by protective restrictions on imports or cuts in foreign aid.

Plans were made to dramatize the export push by having President Eisenhower announce the package of plans on the eve of next week's Senate hearings on international trade. The civil rights filibuster forced postponement of the hearings to late April, and the planned White House announcement has been delayed. Parts of the package that need no announcement are proceeding on schedule.

The State Department, for instance, has directed its foreign outposts to make positive efforts to find untapped markets for American products and flash the word home. The Commerce Department is already expanding its publication of the information it receives about the American goods and services that foreigners are looking for.

It is also revising its international trade fair program to permit participating American businessmen to make sales efforts at U.S. exhibits in other countries' fairs. In the past the practice has been to let official representatives distribute general information.

#### BANK GUARANTEE SET

The most eye-catching feature of the export program awaits announcement. The Export-Import Bank has long had authority to put its guarantee behind American bank loans to foreign buyers of American consumer goods. But it has never used it and never thought it would be an effective

stimulus to American sales. The Bank will soon offer to do so, on a limited basis.

Current plans are for the Bank to offer guarantees of the so-called political risk of short-term and intermediate-term loans. This risk is that the foreign buyer's government will cancel his import license, or forbid dollar payment, or expropriate the goods, or that war will break out.

The guarantee would be effective only for such disruptions if they occur after the goods have been shipped. The bank may also adopt a more liberal attitude toward sharing in the actual lending of intermediate-term funds—loans in the range of 1 year to 5 years.

Other industrial countries offer broader guarantees than are being planned here, and a New York group is working on a broader American plan that would be privately financed. The British Government's guarantees, for instance, cover the political risk and the greater part of the commercial risk—the chance that the foreign buyer goes bankrupt—starting when the price is first made rather than just from the time the goods are shipped.

#### CORPORATION PROPOSED

Francis X. Scarfuro, a vice president of the Bank of America, is working under the sponsorship of the New York Board of Trade to establish an American export credit guarantee corporation to guarantee all types of export risks. The proposed corporation would have a Federal charter and limited authority to borrow from the U.S. Treasury if it were swamped with political-risk claims.

The idea was discussed with Federal officials while they were studying alternative guarantee plans. Mr. Scarfuro is lining up corporation support and will present his plan at the Senate hearings next week.

The idea behind a guarantee is that, for a fee, it relieves the American lender of the risk that the foreign borrower will not pay, thus making the American lender more willing to lend. If a foreign buyer had to borrow at home at higher interest rates he simply might not buy the American product, but turn instead to another country that might offer less expensive financing.

The U.S. plan to offer political-risk guarantees will be more than it offers now, but less than other exporting countries' of political-and-commercial guarantees.

Mr. KEATING. Mr. President, at the same time that we work to increase exports, I and a number of my colleagues feel that efforts should be made to revise and update our trade agreements legislation in accordance with the changed international economic conditions which now confront the United States and all of the nations of the world. I have introduced a bill in this area—S. 2882—which I feel would supplement our existing trade legislation and would permit us to strike a better and truer balance between America's domestic and international economic policies. I believe that moderate and sensible revisions along the lines of this proposal are presently required.

Mr. President, I want to make it clear at this point that while a Member of the Congress I have always supported our reciprocal trade policies and programs encompassed in the Trade Agreements Act. S. 2882 is intended to supplement and adjust those provisions of the Trade Agreements Act which provide measures of relief to American workers and industries injured as a consequence of an influx of imports in certain American markets.



Mr. President, to sum up, I want to commend the administration for its efforts to increase exports. Such action is definitely needed. At the same time, I feel that both Congress and the administration should carefully study other proposals and other areas in which it is necessary that we, as well as the other nations of the free world, adjust to the international economic conditions of the 1960's.

#### THE LANGUAGE IN THE DIRKSEN SUBSTITUTE RELATING TO SCHOOL DECISIONS OF THE SUPREME COURT

Mr. STENNIS. Mr. President, I shall discuss briefly the language of the Dirksen substitute relating to school decisions of the Supreme Court. The language to which I refer is found on page 6, in section 4(a) (1), lines 9 through 24. Besides being unlaywerlike, it contradicts itself.

Mr. President, I ask unanimous consent that that language of the Dirksen substitute be printed in the RECORD at this point.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Sec. 4. (a) (1) The Congress recognizes that (A) prior to May 17, 1954, the Constitution of the United States had been interpreted as permitting public schools to be segregated on racial grounds provided such schools afforded equal educational opportunities; (B) on May 17, 1954, the Supreme Court of the United States ruled that under the fourteenth amendment to the Constitution segregated education is inherently unequal; (C) the Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land; (D) State and local governments and agencies which had relied upon the 'separate but equal' doctrine are now obligated to take steps toward the elimination of segregation in their public schools; and (E) many of these governments and agencies are faced with seri-

ous financial and educational problems in making the necessary adjustments in their existing school systems.

Mr. STENNIS. Mr. President, first it admits that the Supreme Court had interpreted the Constitution to uphold the separate but equal doctrine; second, it states that the Supreme Court in its ruling of May 17, 1954, ruled segregated institutions inherently unequal; third, and here is the fallacy: It states that the "Constitution as interpreted by the Supreme Court of the United States is the supreme law of the land"; and, therefore, State and local government must comply.

This paragraph is self-contradictory: If a Supreme Court ruling is the "supreme law of the land," then the Supreme Court case of Plessy against Ferguson is still the law. The Constitution gives the Court no authority to change laws. That is a legislative function—and belongs to Congress.

It can also be changed by constitutional amendment, but that has not been done.

It follows, then, that the school decisions are not the supreme law. They have the force of law in the affected cases, and are the law of the case.

The Supreme Court has overruled itself many times. That is a practice, having nothing to do with civil rights or schools either, that makes the Supreme Court subject to criticism from outstanding lawyers.

During the first 143 years of our country's history, the Supreme Court overruled itself specifically only 29 times. From 1932 to 1957, it overruled itself in 37 cases. I had a list of these cases included in the CONGRESSIONAL RECORD, volume 103, part 3, pages 2935-2936.

Mr. President, I ask unanimous consent that the list as of that date be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### OVERRULING CASE

1789-1932

1. *Hudson v. Guestier* ((1810), 6 Cr. 281, 285).
2. *Gordon v. Ogden* ((1180), 3 Pet. 33, 34).
3. *Louisville Railroad Co. v. Letson* ((1845), 2 How. 497, 554-556).
4. *The Genessee Chief* ((1851), 12 How. 433, 456).
5. *Gazzam v. Phillip's Lessee* (20 How. 372, 377-378 (1858)).
6. *Mason v. Elared* ((1868), 6 Wall. 231, 238).
7. *The Belfast* ((1869), 7 Wall. 624, 641).
8. *Legal Tender Cases* ((1871), 12 Wall. 457, 553).
9. *Hornbuckle v. Toombs* ((1874), 18 Wall. 648, 652-653).
10. *U.S. v. Phelps* (1883), 107 U.S. 320, 323).
11. *Kountze v. Omaha Hotel Co.* ((1883), 107 U.S. 378, 387).
12. *Morgan v. U.S.* ((1885), 113 U.S. 476, 496).
13. *Leloup v. Port of Mobile* ((1888), 127 U.S. 640, 647).

#### OVERRULED CASE

- Rose v. Himley* ((1808), 4 Cr. 241).
- Wilson v. Daniel* ((1798), 3 Dall. 401).
- Commercial and Railroad Bank v. Slocomb* ((1840), 4 Pet. 60); and *qualifying Bank of the U.S. v. Deveau* ((1809), 5 Cr. 61).
- The Thomas Jefferson* ((1825), 10 Wheat. 428); *The Orleans v. Phoebus* ((1837), 11 Pet. 175).
- Brown's Lessee v. Clements* ((1845), 3 How. 650).
- Sheehy v. Mandeville* ((1810), 6 Cr. 253).
- (In part) *Allen v. Newberry* ((1858), 21 How. 544).
- Hepburn v. Griswold* ((1870), 18 Wall. 603).
- Orchard v. Hughes* ((1864), 1 Wall. 73, 77).
- Noonan v. Lee* ((1863), 2 Bl. 499).
- Dunphy v. Kleinsmith* ((1871), 11 Wall. 610).
- Shelton v. The Collector* ((1867), 5 Wall. 113, 118).
- Stafford v. Union Bank of Louisiana* ((1853), 16 How. 135).
- Texas v. White* ((1869), 17 Wall. 700).
- Osborne v. Mobile* ((1873), 16 Wall. 479).
- 14. Leisy v. Hardin* ((1890), 135 U.S. 100, 118).
- 15. Roberts v. Lewis* ((1894) 153 U.S. 367, 377).
- 16. Pollock v. Farmers' Loan and Trust Co.* ((1895) 158 U.S. 601).
- 17. Brenham v. German American Bank* ((1892) 144 U.S. 173, 187).
- 18. Garland v. Washington* ((1914) 232 U.S. 642, 646).
- 19. U.S. v. Nice* ((1916) 241 U.S. 591, 601).
- 20. Pennsylvania Railroad Co. v. Towers* ((1917) 245 U.S. 6, 17).
- 21. Rosen v. U.S.* ((1918) 245 U.S. 467, 470).
- 22. Boston Store v. American Graphophone Co.* ((1918) 246 U.S. 8, 25; and *Motion Picture Co. v. Universal Plan Co.* ((1917) 243 U.S. 502, 518).
- 23. Terral v. Burke Construction Co.* ((1922) 251 U.S. 529, 533).
- 24. Alpha Cement Co. v. Massachusetts* ((1925) 268 U.S. 203, 218).
- 25. Lee v. Chesapeake and Ohio Ry.* ((1923) 260 U.S. 653, 659).
- 26. Gleason v. Seaboard Air Line Ry. Co.* ((1929) 278 U.S. 349, 357).
- 27. Farmers Loan Co. v. Minnesota* ((1930) 280 U.S. 204, 209).
- 28. East Ohio Gas Co. v. Tax Commission* ((1931) 283 U.S. 465, 472).
- 29. Chicago and E. I. R. Co. v. Commission* ((1932) 284 U.S. 296).
- 1933-56
- 30. West Coast Hotel Co. v. Parrish* ((1937) 300 U.S. 379).
- 31. Helvering v. Producers Corp.* ((1938) 303 U.S. 376).
- 32. Erie R. Co. v. Tompkins* ((1938) 304 U.S. 64).
- 33. Graves v. N.Y. ex rel. O'Keefe* ((1939) 306 U.S. 466).
- 34. O'Malley v. Woodrough* ((1939) 307 U.S. 277).
- 35. Madden v. Kentucky* ((1940) 309 U.S. 83).
- 36. Helvering v. Hallock* ((1940) 309 U.S. 106).
- 37. Tigner v. Texas* ((1940) 310 U.S. 141).
- 38. U.S. v. Darby* ((1941) 312 U.S. 592).
- 39. U.S. v. Chicago, M., & St. P. R. Co.* ((1941) 312 U.S. 592).
- 40. Nye v. U.S.* ((1941) 313 U.S. 33).
- 41. California v. Thompson* ((1941) 313 U.S. 109).
- 42. Olson v. Nebraska* ((1941) 313 U.S. 236).
- 43. Alabama v. King and Boozer* ((1941) 314 U.S. 1).
- 44. State Tax Comm'n v. Aldrich* ((1942) 316 U.S. 174).
- 45. Williams v. North Carolina* ((1942) 317 U.S. 287).
- 46. Brady v. Roosevelt S.S. Co.* ((1943) 317 U.S. 575).
- 47. Jones v. Opelika* ((1943) 319 U.S. 103).
- 48. Oklahoma Tax Comm'n v. U.S.* ((1943) 319 U.S. 598).

#### OVERRULING CASE—Continued

1789-1932—continued

## OVERRULED CASE—Continued

- Pierce v. New Hampshire* ((1847), 5 How. 504).  
*Giles v. Little* ((1881) 104 U.S. 291).  
*Hylton v. U.S.* ((1796) 3 Dall. 171).  
*Rogers v. Burlington* ((1886) 3 Wall. 654).  
*Mitchell v. Burlington* ((1867) 4 Wall. 270).  
*Crain v. U.S.* ((1896) 162 U.S. 625).  
*Matter of Heff* ((1905) 197 U.S. 488).  
 (In part) *Lake Shore Railway Co. v. Smith* ((1899) 173 U.S. 684).  
*U.S. v. Reed* ((1851) 12 How. 361).  
*Henry v. A. B. Dick Co.* ((1912) 224 U.S. 1).  
*Doyle Continental Insurance Co.*  
*Security Mutual Life Insurance Co. v. Prewitt* ((1906) 202 U.S. 246).  
*Baltic Mining Co. v. Massachusetts* ((1914) 231 U.S. 68).  
*Ex Parte Wisner* ((1906) 203 U.S. 449); and qualifying: *In Re Moore* ((1908) 209 U.S. 490).  
 (In part) *Friedlander v. Texas and Pacific Ry. Co.* ((1889) 130 U.S. 416).  
*Blackstone v. Miller* ((1903) 188 U.S. 189).  
*Pennsylvania Gas Co. v. Public Service Commission* ((1920) 252 U.S. 23).  
*Erie R. R. Co. v. Collins* ((1920) 253 U.S. 77); *Erie R. R. Co. v. Szary* ((1920) 253 U.S. 86).  
*Adkins v. Children's Hospital* ((1923) 261 U.S. 525).  
*Gillespie v. Oklahoma* ((1922) 257 U.S. 501).  
*Burnett v. Coronado Oil and Gas Co.* ((1932) 255 U.S. 393).  
*Swift v. Tyson* ((1842) 16 Pet. 1).  
*Collector v. Day* ((1871) 11 Wall. 113).  
*N.Y. ex rel. Rogers v. Graves* ((1937) 299 U.S. 401).  
*Miles v. Graham* ((1925) 268 U.S. 501).  
*Colgate v. Harvey* ((1935) 296 U.S. 404).  
*Helvering v. St. Louis Trust Co.* ((1935) 296 U.S. 39).  
*Becker v. St. Louis Trust Co.* ((1935) 296 U.S. 48).  
*Connolly v. Union Sewer Pipe Co.* ((1902) 184 U.S. 540).  
*Hammer v. Dagenhart* ((1918) 247 U.S. 251).  
*Carter v. Carter Coal Co.* ((1936) 290 U.S. 238 (limited)).  
 (In part) *U.S. v. Lynch* ((1903) 188 U.S. 445).  
*Toledo Newspaper Co. v. U.S.* ((1918) 247 U.S. 402).  
*Di Santo v. Pennsylvania* ((1927) 273 U.S. 34).  
*Ribnik v. McBride* ((1928) 277 U.S. 350).  
*Panhandle Oil Co. v. Knox* ((1928) 277 U.S. 218).  
*Graves v. Texas* ((1936) 298 U.S. 393).  
*First National Bank v. Maine* ((1932) 284 U.S. 312).  
*Haddock v. Haddock* ((1906) 201 U.S. 562).  
*Fleet Corp v. Lustgarten* ((1930) 280 U.S. 320).  
*Jones v. Opelika* ((1942) 316 U.S. 584 (reversed on reargument)).  
*Childers v. Beaver* ((1926) 270 U.S. 555).

## OVERRULING CASE—Continued

1933-56—continued

49. *Board of Education v. Barnette* ((1943) 319 U.S. 624).  
 50. *Federal Power Comm'n v. Hope Gas Co.* ((1944), 320 U.S. 591).  
 51. *Mercoid Corp. v. Midcontinent Co.* ((1944), 320 U.S. 661).  
 52. *Mehuich v. Southern S.S. Co.* ((1944), 321 U.S. 96).  
 53. *Smith v. Allwright* ((1944), 321 U.S. 649).  
 54. *U.S. v. Underwriters' Ass'n.* ((1944), 322 U.S. 533).  
 55. *Girouard v. U.S.* ((1946), 328 U.S. 61).  
 56. *Angel v. Burlington* ((1947), 330 U.S. 183).  
 57. *Sherrer v. Sherrer* ((1948), 334 U.S. 343).  
 58. *Lincoln Union v. Northwestern* ((1949), 335 U.S. 525).  
 59. *Commissioner v. Church* ((1949), 335 U.S. 632).  
 60. *Oklahoma Tax Commission v. Texas Co.* ((1949), 336 U.S. 342).  
 61. *U.S. v. Rabinowitz* ((1950), 339 U.S. 56, 66, 85).  
 62. *Joseph Burstyn, Inc. v. Wilson* ((1952), 343 U.S. 495, 502).  
 63. *Stein v. New York* ((1953), 346 U.S. 156, 190-191n.35, 198, 200-201, 206-208).  
 64. *Kern Limerick Inc. v. Scurlock* ((1954), 347 U.S. 110, 124, 126-127).  
 65. *Brown v. Board of Education* ((1954), 347 U.S. 483, 491, 494-495).  
 66. *Ryan Co. v. Pan-Atlantic Corp.* ((1956), 350 U.S. 124).

## OVERRULED CASE—Continued

- Minersville School Dist. v. Gobitis* ((1940) 310 U.S. 586).  
 (In part) *United Railways v. West* ((1930), 280 U.S. 234).  
*Leeds and Catlin Co. v. Victor Talking Machine Co.* (No. 2) ((1909), 218 U.S. 325; limited).  
 (In part) *Plemals v. Pinardel Rio* ((1928), 277 U.S. 151).  
*Grove v. Townsend* ((1935), 295 U.S. 45).  
 (In part) *Paul v. Virginia* ((1869), 5 Wall. 168).  
*U.S. v. Schwimmer* ((1929), 279 U.S. 644).  
*U.S. v. McIntosh* ((1931), 283 U.S. 605); *U.S. v. Bland* ((1931) 283 U.S. 636).  
*Lupton's Sons Co. v. Automobile Club* ((1912), 225 U.S. 489), (rendered obsolete by prior change in law);  
 (In part) *Andrews v. Andrews* ((1903), 188 U.S. 14).  
*Adair v. U.S.* ((1908), 208 U.S. 161); *Coppage v. Kansas* ((1915), 236 U.S. 1).  
*May v. Heiner* ((1930), 281 U.S. 238).  
*Choctaw and Gulf R. Co. v. Harrison* ((1914), 235 U.S. 292).  
*Indian Oil Co. v. Oklahoma* ((1916), 240 U.S. 522).  
*Howard v. Gypsy Oil Co.* ((1918), 247 U.S. 503).  
*Large Oil Co. v. Howard* ((1919), 248 U.S. 549).  
*Oklahoma v. Barnsdall Corp.* ((1936), 296 U.S. 521).  
*Trupiano v. U.S.* ((1948), 334 U.S. 669).  
*Mutual Film Corp. v. Ohio Industrial Commission* ((1915), 236 U.S. 230).  
*Bram v. U.S.* ((1897), 168 U.S. 532).  
*Malinski v. New York* ((1945), 324 U.S. 401, 404).  
*Stroble v. California* ((1952), 343 U.S. 181, 190).  
*Lyons v. Oklahoma* ((1944), 322 U.S. 596-597).  
*Haley v. Ohio* ((1948), 322 U.S. 596, 599, 601).  
*Gallegos v. Nebraska* ((1951), 342 U.S. 55, 63).  
*Watts v. Indiana* ((1949), 338 U.S. 49).  
*Turner v. Pennsylvania* ((1949), 338 U.S. 62).  
*Harris v. South Carolina* ((1949), 338 U.S. 68).  
 NOTE.—Only the judges in the dissenting minority advanced the contention that the doctrines of the aforementioned cases had been rejected.  
*Alabama v. King and Boozer* ((1941), 314 U.S. 1).  
 NOTE.—Only the dissenting judges were of the belief that the aforementioned case was overruled.  
*Cumming v. County Board of Education* ((1899), 175 U.S. 528).  
*Gong Lum v. Rice* ((1927), 275 U.S. 178).  
*Seas Shipping Co. v. Sieracki* ((1946), 328 U.S. 85).  
 NOTE.—The four dissenting judges were of the belief that the aforementioned case "in effect" had been "rejected."

Sources: Brandels, Justice, dissenting in *Burnet v. Coronado Oil & Gas Co.* ((1932), 285 U.S. 393, N. 406-409), Emmet E. Wilson, *Stare Decisis, Quo Vadis?* Geo. L. J. (1945) 33:251, 254 N. 17; 2651, William O. Douglas, *Stare Decisis* (1949), 49 Col. L. R. 735-743, 756-758.

Mr. STENNIS. Mr. President, furthermore, it has been necessary for Congress to enact remedial legislation to correct erroneous decisions of the Court in many cases. I know of 10 specific instances, and they were included in my remarks in the CONGRESSIONAL RECORD, volume 103, part 2, page 2144.

Mr. President, I point out that if this language is adopted, it will have the effect of freezing the status quo in all types of legal disputes. Is this what the liberals want?

If Congress adopts the theory that any Supreme Court ruling is the "supreme law of the land," it is not limited



to this case nor to segregation cases. "All Supreme Court decisions," Congress would say, "are the supreme law of the land." Does any group want to endorse this principle? Does any group want to freeze, forever, the lawmaking power? Does any group want to abdicate the lawmaking power of Congress and subordinate it to judge-made law?

I think not. I hope that other Senators will seriously consider these points and vote to remove this dangerous language from the bill.

#### THE MARKET FOR U.S. GOVERNMENT BONDS

Mr. MONRONEY. Mr. President, the New York Times on Sunday, March 13, published a most revealing and interesting story on the market for U.S. Government bonds. The article was written by Mr. Paul Heffernan, one of the Times' experts in the United States and industrial bonds.

He begins this interesting story as follows:

The winter's windfall of bargains in Treasury securities is over. The Santa Claus of the gilt-edge investment world stayed around for a little while after Christmas, but he is now only a memory, and so are the fat investment yields that abounded in that brief period.

Thus in spite of the plaintive demands of this administration for an unlimited interest ceiling on long-term Government securities, we find the U.S. Government securities transformed from the "Ugly Duckling" of the marketplace into a beautiful swan.

Since I seem to be a master mixer of metaphors, I might point out that the market on common stocks, which up to January seemed to be the goose laying golden eggs for all investors, seems now to be laying concrete bricks.

This performance should have been obvious to almost anyone who noted the extreme difference between the yields of the gilt-edge U.S. Government securities and the general lower level of dividends being paid on common stocks.

The conditions of an ever-rising stock market with its attendant tax advantage from capital gains was built upon the Government's own self-created specter of inflation, plus a get-rich-quick feeling of investors who could see no further than an ever-increasing price for the stocks they were buying. Dividends were forgotten as the market plunged on to higher and higher levels.

In some way, some how, the prophets of boom on top of boom and an ever-upward spiral of stockmarket prices have now retreated to the mourners' bench. Every financial page is filled with stories written direct from the crying room and gloom and doom have replaced the ecstatic of more pie in the sky from common stocks.

Thus, the logical reaction is occurring. Stripped of the fast buck from capital gains on price rises in common stocks, the superior yield of gilt-edged securities is now beginning to be more properly evaluated in the market.

#### Note Mr. Heffernan's lines:

On January 7, an investor wanting a yield of 5 percent or more from Treasury obligations had 21 different issues to choose from.

Today out of a counter stock of 86 different issues of Treasury obligations, there is not one that yields as much as 4½ percent. Only 12 are selling at prices that will return to investors a yield of more than 4.3 percent.

The best obtainable yield is 4.49 percent, that offered by the 2½ percent notes due in February 1963 at a bid price of 94¾.

Yet the Treasury and this administration are still pushing for an unlimited increase in interest ceilings on long-term Government bonds. This is being done at a time when even the specialists in Government securities are being frightened by the steady advance and are now refusing to sell short.

Under the subhead "Dealers Grow Wary," we read that the same specialists who have been urging a higher and higher interest ceiling are now confessing that the supply of these U.S. bonds, even at the present price, is growing scarce.

The writer of the article continues:

Even without the heady presence of margin speculators, the sharp price rally has left the dealer fraternity breathless. It is customary in professional market making for a dealer, on receiving an order to buy something he hasn't got, to stand ready to sell the wanted issue short if he cannot readily acquire it himself.

Government dealers of late are less willing to take on short-side commitments, even if hedged out by other purchases. Last week most dealers were not only unwilling to sell what they didn't have but were just as unwilling to sell what they had.

Perhaps it would be too much to expect this administration to take advantage of this great improvement in the U.S. Government bond position. Certainly they would be far better advised if they would begin to modernize their sales program so that the general public could take advantage of the market without going through the U.S. security dealer fraternity.

It would be far cheaper, and would enable us to place our securities in the hands of the public directly, if the Government would only modernize the 20-year-old package of E-bonds to pay a level rate of interest after the first year.

It would also be possible to place with the public a large supply of bonds with a maturity just under the 5-year limit at a fixed interest yield within 4 to 4½ percent.

Even if only to test the market, the Treasury should consider a small issue of long-term bonds at the historic statutory ceiling of 4¼ percent, rather than to insist that Congress place its stamp of approval on an unlimited interest ceiling.

If Congress were to yield now, we would look ridiculous. We would in fact be placing the equivalent of a price support under the long-term interest rates of the Nation to guarantee over 20 to 30 years a fantastic yield to investors who took advantage of the Republican sponsored high interest policy.

It is hardly the time for the Government to be acting to "peg" the market

at an alltime high of interest costs in favor of the institutional and banking investors.

Already this policy has resulted in adding to the total cost of carrying the public debt by \$4 billion per year over 1952. In the past year the interest cost increased by \$1,750 million per year. We cannot afford—we should not be expected—to continue for 20 years to pay this wastage of \$4 billion dollars a year because of a misguided policy foisted on the people of the United States by this administration.

This added interest burden, if higher rates are pushed through by removing the ceiling, will indeed be placing billions of dollars of unnecessary expense upon our grandchildren as a legacy of the Eisenhower administration.

Mr. President, I ask unanimous consent to have printed at this point in the Record the article entitled "U.S. Bonds Leave Basement Level," written by Paul Heffernan and published in the New York Times of Sunday, March 13, 1960.

There being no objection, the article was ordered to be printed in the Record, as follows:

**U.S. BONDS LEAVE BASEMENT LEVEL—BARGAIN DAYS END—MARKET SHIFT LISTS PRICES—YIELDS RECEDE BELOW 4½ PERCENT—BEHAVIOR LIKE STOCKS—WIDE MOVES ARE ASCRIBED TO PROSPECT OF DECLINING DEMAND FOR CAPITAL**

(By Paul Heffernan)

The winter's windfall of bargains in Treasury securities is over. The Santa Claus of the gilt-edge investment world stayed around for a little while after Christmas, but he is now only a memory, and so are the fat investment yields that abounded in that brief period.

A sweeping change of mind about the likelihood of the capital markets' being burdened further with the demands of a booming economy has abruptly transformed Wall Street's bond houses from a buyers' to a sellers' market. The effect has been to send bond prices soaring and to depress bond yields on a scale greater than any experienced in more than a year.

On January 7, an investor wanting a yield of 5 percent or more from Treasury obligations had 21 different issues to choose from—13 issues of interest-bearing notes, bonds and certificates of indebtedness, and 8 issues of discount bills.

#### YIELDS BELOW 4½ PERCENT

Today, out of a counter stock of 86 different issues of Treasury obligations, there is not one that yields as much as 4½ percent. Only 12 are selling at prices that will return to investors a yield of more than 4.3 percent. The best obtainable yield is 4.49 percent, that offered by the 2½ percent notes due in February, 1963, at a bid price of 94¾.

Some of the price gains registered by certain Treasury issues in the 60-odd days since early January bear more resemblance to the actions of common stock than to those of basic debt investments. And as for changes in yield percentages, some of the fluctuations of 64 days are wider in extent than those recorded in the past over a whole year.

If an investor had bought on January 7 the 2½-percent notes due in February 1965, the price would have been 89 6/32. Yesterday this issue closed at 92 8/32, a rise of 3 2/32.

#### PRICE CLIMBS SHARPLY

If he had been willing to risk owning a longer-term issue he could have had a profit of more than five points. This would have happened to a buyer of the Victory 2½s due

in December 1972. On January 7 this issue sold at 79 6/32; last Friday the bid price was 85 2/32. Gains on such long-term postwar issues as the 3s of 1995 and the 3 1/2s of 1990 have ranged from 4 24/32 to 4 30/32.

As for yield, anyone buying the 2 1/2s of 1965 last Friday would have had to accept an investment return to maturity of 4.38 percent, as compared with one of 5.02 percent if the issue had been bought in January.

A more emphatic instance of the downward shift of yields is visible in the return on discount bills due in 177 days. Last Friday the rate of discount asked for a bill of this term was 3.72 percent, and the yield to the buyer was 3.84 percent. Early in January a bill due in 178 days was selling at a discount basis of 5.04 percent, equaling a yield of 5.25 percent to buyers. The shrinkage amounts to 1.41 percentage points.

For a brief time last January yields up to 5.41 percent were obtainable from Treasury discount bills. This rate applied on January 7 to the bills due October 17. Again it applied on January 13 to a new special issue of bills sold around that time, one due next January.

By contrast, the highest yield obtainable last Friday from any of the Treasury's 32 issues of discount bills was 4.01 percent, that obtainable from the January 15 issue at a discount selling rate of 3.8 percent.

#### FIVE-PERCENT YIELDS DISAPPEAR

The following tabulation shows what has happened to the yields on investments that, last January, were giving buyers returns of 5 percent or more:

Treasury issue	Yield percentages	
	Jan. 7	Mar. 11
4 1/2s August 1960	5.07	3.92
4 1/2s November 1960	5.09	3.87
3 3/4s May 1961	5.03	4.12
4s August 1961	5.05	4.05
2 1/2s September 1961	5.03	4.35
2 1/2s November 1961	5.12	4.42
3 3/4s February 1962	5.05	4.13
3 3/4s November 1962	5.06	4.30
2 1/2s February 1963	5.14	4.49
4s May 1963	5.05	4.36
2 1/2s August 1963	5.12	4.43
3s February 1964	5.03	4.38
2 1/2s February 1965	5.02	4.38

  

Discount bills	Jan. 7		Mar. 11	
	Discount	Yield	Discount	Yield
Days to run:				
149	4.88	5.06	3.68	3.79
156	4.90	5.09	3.70	3.81
163	5.11	5.32	3.70	3.82
170	4.96	5.16	3.72	3.84
186	4.97	5.19		
280	5.11	5.41		
216			3.80	3.95
306			3.80	4.01

It is remarkable that this drastic readjustment in bond prices has taken place with a minimum of speculative excess. Although prices have moved up in a manner reminiscent of the winter surge in bond buying early in 1958, the price reappraisal reflects rather the shifting hunches of the professional dealers and their institutional customers than the margin-sparked expectancies of market outsiders.

#### DEALERS GROW WARY

Even without the heady presence of margin speculators, the sharp price rally has left the dealer fraternity breathless. It is customary in professional market making for a dealer, on receiving an order to buy something he hasn't got, to stand ready to sell the wanted issue short if he cannot readily acquire it himself.

Government dealers of late are less willing to take on short-side commitments, even if hedged out by other purchases. Last week most dealers were not only unwilling to sell what they didn't have, but were just as unwilling to sell what they had.

Much of the price fluctuation in long-term Treasury bonds admittedly represented the shifting bid ideas of dealers, rather than exchanges of securities. At the end of the week the dealers began to wonder if they were falling under the spell of reciprocal hypnosis and carrying the price rise too far. Anyway, they began to trim their bids.

Mr. GRUENING. Mr. President, I desire to associate myself with the remarks of the distinguished Senator from Oklahoma [Mr. MONROE]. In these days, when we are so strongly urged to balance the budget, and to fight inflation, it is highly important that the steadily mounting debt, which has grown so great in recent years, be not further accelerated in its growth by higher interest rates on Government securities. It seems to me that that is elementary. I am happy the able junior Senator from Oklahoma has presented the case for holding the line on interest rates so cogently.

#### MEMORIAL SERVICES FOR THE LATE SENATOR NEUBERGER AT PORTLAND, OREG., AND ONE GREAT NEED TO WHICH HIS UNTIMELY DEATH POINTS

Mr. GRUENING. Mr. President, yesterday, a group of our colleagues, including the majority leader, the Honorable LYNDON B. JOHNSON, as well as Senators E. L. "BOB" BARTLETT, FRANK CHURCH, PAUL DOUGLAS, HENRY DWORSHAK, HENRY JACKSON, GALE MCGEE, WAYNE MORSE, THURSTON MORTON, RALPH YARBOROUGH, and I, as well as the secretary to the majority, Robert Baker, and members of Senator Neuberger's office staff flew to Portland, Oreg., to take part in the memorial services to our late beloved colleague, Richard L. Neuberger.

Among those who accompanied the senatorial party was Supreme Court Justice William O. Douglas, who along with Senator JOHNSON, Senator DOUGLAS, and myself, was one of the speakers at the memorial services.

We first visited Dick's home, where we were most graciously received by Mrs. Maurine Neuberger and had a chance to meet Dick's parents and sister.

The synagogue where the services were held was crowded to overflowing, with many persons standing in the back and in the aisles, and others unable to get in. But we all welcomed the opportunity, despite the sadness of the occasion, to be able to record in his home city, some measure of the esteem, the respect, and the genuine affection we felt for Dick Neuberger, and to say to his many friends and constituents how much he would be missed in the future and how great and enduring had been his contributions in many fields and his services as a Senator, as a journalist, as well as a friendly and lovable human being.

Last Saturday a very pertinent comment on Dick's death, written by Mike Gorman, was published in the Washington Post. The letter calls attention to

the still great need for funds to pursue cancer research. There is little question in my mind that Dick's death, although reported as a cerebral hemorrhage, was a consequence of his cancer, of which he had been reportedly cured. No autopsy was performed, so that we shall not know for certain what the underlying pathological cause of his sudden and unexpected death was. But it is my conviction that a metastasis from his cancer was accountable for this cerebral lesion, and I feel it desirable to emphasize in this connection that while progress has been made in delaying the lethal consequences of cancer, and by early treatment—surgical, radiological, or by medication—of effecting cure in a substantial number of cases diagnosed in time and responsive to therapy, the destruction by what our colleague Matt Neely, himself later a cancer victim, 32 years ago, referred to as "a monster that is more insatiable than the guillotine," still remains with us, and the widely hoped for "breakthrough" against this dread disease is still to be achieved.

I ask unanimous consent that the letter written by Mike Gorman, and published in the Washington Post, be printed at this point in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

#### A GALLANT FIGHT YIELDS A LESSON

On May 18, 1928, the late Senator Matt Neely, of West Virginia, stood in the well of the Senate and uttered these prophetic words:

"I propose to speak of a monster that is more insatiable than the guillotine; more irresistible than the mightiest army that ever marched to battle; more terrifying than any other scourge that has ever threatened the existence of the human race. The name of this loathsome, deadly and insatiable monster is cancer. It is older than the human race. Evidence of cancer has been found in the fossil remains of a serpent that is supposed to have lived millions of years ago. Records made on papyrus by the ancient Egyptians show that the cancer curse was known in the valley of the Nile more than 2,000 years before the birth of Christ."

For 30 years, Matt Neely continued his battle for a major medical research offensive against cancer. In 1958, he succumbed to the monstrous disease which he had excoriated on the floor of the Senate so many times.

During the past decade, cancer also took the lives of Senators Robert A. Taft, Kenneth Wherry, Arthur Vandenberg, and Brian McMahon. Two of our greatest atomic scientists, Enrico Fermi and John von Neumann, succumbed to it. Last year, Secretary of State Dulles lost a grim battle to it.

And now the bell has tolled for Senator Richard Neuberger, aged 47.

In some strange way Dick Neuberger seemed to know, early in his Senate career, that this monstrous disease was somehow bound up with his own fate. Early in 1956, when I asked him to speak on the floor of the Senate in favor of a doubling of the medical research program of the Veterans' Administration, he told me that he wanted to direct his remarks to the menace of cancer.

From that time on, Dick Neuberger devoted his talented pen to many an article portraying this merciless disease which kills 250,000 Americans every year and costs us \$12 billion annually in lost productivity.

But the bloodless actuaries who seem to dominate the present administration never



lift their heads above the point of a pencil. For the coming year, the Eisenhower administration has recommended a cut of \$3 million in appropriations for the National Cancer Institute. It has also recommended a cut in the cancer research program of the Veterans' Administration. Furthermore, it has continually opposed the enactment of Senator HILL's "health for peace bill" which would, among other things, launch a worldwide research offensive against cancer, a disease which kills 2 million people in all parts of the world every year.

What price, then, the life of Dick Neuberger? What price, then, the lives of 25 million Americans who will eventually die of cancer unless medical research produces the needed knowledge to combat this disease? The premature death of Senator Richard Neuberger should be a solemn reminder to the present administration.

MIKE GORMAN,  
Executive Director, National Committee  
Against Mental Illness.

#### EFFECT OF THE FEDERAL RESERVE BOARD ON INTEREST RATES

Mr. BENNETT. Mr. President, during the discussion over the past many months regarding the role of the Federal Reserve System and its effect upon interest rates, many ideas have been expressed.

On March 10, the New York Journal of Commerce published an editorial entitled "The Bigger Force." The first paragraph of the editorial reads as follows:

By now it should be pretty clear that the Federal Reserve Board does not cause major movements in interest rates, but merely moderates such movements.

I ask unanimous consent that the entire editorial be printed at this point in the RECORD, in connection with my remarks.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

##### THE BIGGER FORCE

By now it should be pretty clear that the Federal Reserve Board does not cause major movements in interest rates but merely moderates such movements.

This fact should have become obvious during the economic boom of last year when interest rates soared to levels not seen for over 25 years while at the same time the Federal Reserve allowed an increased money supply. This indicated that the high interest rates were caused not by a reduction in supply of funds but rather by the tremendous demands made on available supplies by business borrowers, State and municipal governmental units, potential homeowners, other individuals and the Federal Government itself.

Certainly the Federal Reserve was given the blame by many groups when they found that all their desires for borrowing funds could not be fulfilled. But this blame was the normal criticism that any regulatory body must receive when it is forced to adjust demands to available supplies of resources.

While the statistics showed that the Reserve Board was actually increasing rather than reducing the money supply and availability of bank credit during the boom, naturally it was hard to convince those denied credit that their troubles did not lie at the Federal Reserve's door.

The recent developments in the credit picture, however, may have convinced more of these doubters of the true limitations on what the monetary authorities themselves can do.

If anything is indicative of the fact that demand and supply rather than the Federal Reserve control the credit scene it is the recent movement of interest rates. The cost of money took a sharp downturn in the first month of this year and then turned back moderately upward while the Reserve authorities actually took a hands-off attitude toward the credit markets.

What makes this relatively inactive attitude on the Reserve's part so significant is that it was all pervasive—touching operations of the Board that are not understood by the vast majority of the people as well as these moves that are accepted as public signals of intent on credit policy.

It is significant that nothing was done to alter the rediscount rate or commercial bank reserve requirements during the first 2 months of 1960, for any move in either of these areas would have become a major psychological signal of easier credit to come. But far more significant, the authorities, through open market operations have kept bank reserve positions fairly stable at about a \$400 million deficiency in net free reserves throughout the period.

It is the open market operations, after all, that serve as the real teeth of Federal Reserve credit policy. The Reserve authorities have taken about as consistent a hands-off attitude as they possibly could, and yet the state of the money and capital markets has moved rather markedly during the first months of the year.

It is probably no coincidence that on February 2, 1960, when this contrast between Reserve policy and the movement of credit conditions was strongest, Chairman Martin, of the Federal Reserve Board, explained to the Joint Economic Committee just how limited the monetary authorities are in their ability to control credit conditions.

"Monetary policy is effective only so long as it works in general consonance with the economic realities underlying the situation," the Chairman stated. And by this he explained that the supply and demand for funds are still the main determinants of interest rates and will always remain so.

What Mr. Martin tried to make completely clear is that the Federal Reserve can affect interest rates temporarily by increasing or decreasing the availability of bank credit. But basically it is the willingness of the people to save that will determine interest rates over the long run.

Hence if the authorities make credit easy at a time when the economy cannot satisfy all the demands for goods and services that these potential borrowers hope to fulfill, the result will be an increase in prices rather than an expansion of production. Since borrowers and savers understand inflation and its effects as well as anyone, such a policy would lead to a decline in savings and increased demand for borrowed funds and eventually to high interest rates again.

The contrary situation is adequately demonstrated by the developments of last January. Savers and borrowers both realized that inflationary pressures are currently under better control, so savings in fixed interest investments rose, demands for borrowed funds did not expand as much as expected and interest rates fell. Yet the monetary authorities had done nothing to aid this decline in money cost.

Certainly those who prefer to place the blame for high interest rates demands on the Reserve Board instead of where they belong—on excessive credit demands—will be skeptical of Mr. Martin's testimony before the Joint Economic Committee. But it is good to note that economic fact in the form of steady bank reserve positions in the face of declining interest rates back up his testimony and help prove that it is the borrowers and savers rather than the Reserve Board that determine credit conditions.

#### POSITION OF SENATOR BENNETT ON THE LAUSCHE AMENDMENT

Mr. BENNETT. Mr. President, last Friday, while I was necessarily absent from the Senate, the Senate voted on the amendment offered by the Senator from Ohio [Mr. LAUSCHE]. I was recorded as being opposed to the Lausche amendment.

However, Mr. President, if I had been present at that time, I would have voted for the Lausche amendment.

Therefore, I am making this statement, to clarify the RECORD—and to make my position perfectly clear.

#### CHICAGO TRANSIT AUTHORITY OPPOSES OBSCENITY ON NEWSSTANDS

Mr. LAUSCHE. Mr. President, my attention has been called to the fact that the Chicago Transit Authority several days ago banned from the newsstands more than 100 magazines and approximately 40 paper-backed books, on the ground that they were "undesirable, lewd, or obscene."

Mr. President, when the banning was ordered, Virgil Gunlock, chairman of the Chicago Transit Authority Board, said the action was taken after a study of the material being sold at the newsstands. He said:

We hold that it's our right to decide what can be sold on property over which we have jurisdiction. We just don't want the kind of indecency which is in many of these magazines appearing on Chicago Transit Authority property.

Mr. President, I wish to take this occasion to commend the members of the board of the Chicago Transit Authority for their action. In view of the recognized limitation on the power of public bodies to control the sale of books and other material, because of the guarantee on free speech provided by the first amendment of the Constitution, it appears that much licentious, lascivious, and indecent material is being sold to the youth of the country. I recognize the frailties of the human body; but I think that basically and morally it is wrong to pander to the passions, especially in a commercial way.

My belief is that until self-imposed restraints are adopted by merchants, and until the parents of the country begin boycotting commercial institutions which, in connection with legitimate business, sell immoral, indecent material, we shall continue to witness a disintegration of the morals of our youth.

I should like to repeat what I have heretofore said on the floor of the Senate. The labor is futile when Congress appropriates money to fight juvenile delinquency, and the labor is futile when parents, schoolteachers, ministers, rabbis, priests, social workers, the police, sheriffs, judges, and penologists try to build up the moral fiber of our youth, on the one hand, when, on the other hand, commercially greedy distributors are contaminating the moral fabric of our youth by the distribution of indecent and licentious material.

Under the Supreme Court rulings, censorship of moving pictures is prohibited. Under its rulings, extreme latitude is allowed in the sale of reading and other material. The only way this problem can be reached is by self-imposed discipline and, primarily, by parents beginning to boycott those drugstores, merchants, and other distributors of material which are causing difficulties in the home and causing parents to shudder with fright at the thought of what may be happening to their children.

I commend the Chicago Transit Authority for its fine foresight and courage in taking hold of this problem to the extent that it can.

#### DOLLARS FOR DEFENSE

Mr. BRIDGES. Mr. President, with all the controversy over the adequacy of our defense measures dinning in our ears, some of it politically inspired, I believe, it would do well to look into the dollars now being spent on defense rather than insisting that more dollars be spent for defense.

In the Washington Daily News of February 15 there appeared an editorial entitled "Dollars for Defense." The editorial states:

Interservice rivalries have cost us billions in duplicated military equipment. More billions will not protect us adequately if the system is basically unsound.

We are supposed to have a single procurement system. We still do not have such a system. There are other areas of duplication which exist.

I agree with the editorial when it says that it is a misconception—

if we just spend enough money, we will have and hold the necessary edge over the Russians.

Too many of us still are under the dangerous illusion that all that is necessary is to spend more money and, as if by magic, we still have an impregnable defense.

Mr. President, it is my contention that money spent more wisely is the answer to some of the criticism that has been made.

I commend this editorial to the Senate, and ask unanimous consent to have it printed at this point in the body of the Record.

There being no objection, the editorial was ordered to be printed in the Record, as follows:

#### DOLLARS FOR DEFENSE

With all the angry political debate over the state of the country's defenses, it is difficult, to say the least, to know just how we stand.

Confusion is confounded by suspicion that representatives of the high military command tend to view the problem largely through the eyes of their own branches of the service. The airmen want more supersonic planes and airborne alerts, the sailors more Polaris-carrying submarines, and the soldiers more power to fight "brush-fire" wars.

Out of this the impression strengthens that there must be one military service, instead of three—one uniform, one basic system of officer training, one source of promotion, one single devotion to national se-

curity without regard to the cut of the uniform of the man with the gun.

One need not impugn the motives of the advocates of the various services. Their viewpoints are the products of their different training and tradition, starting at an impressionable age in the military academies. However, though their attitude is honest, it is narrow; it has got to be changed.

Interservice rivalries have cost us billions in duplicated military equipment. More billions will not protect us adequately if the system is basically unsound.

This bears on a misconception, nourished daily by the alarms of politicians seeking election and some of the military seeking appropriations. It is that, if we just spend enough money, we will have and hold the necessary edge over the Russians. Despite our experiences all around the world, which should disillusion us, our faith in the magic of the dollar remains unshattered, apparently. It is a dangerous illusion.

From the walls of Jericho to the magnet line, history provides ample evidence that defenses, however costly, which produce complacency are easy targets for an enemy rich in imagination, even though poor in resources. And the Russians are poor in neither.

Not necessarily more money, but money more wisely spent, is what we need. And more assurance that our antipathetic military services are more interested in defense against Communist aggression, and less interested in defense against each other.

#### STUDENT LOYALTY OATH

Mr. BRIDGES. Mr. President, I call to the attention of my colleagues an excellent article in the American Legion magazine for February 1960. This article, which deals with the question of loyalty oaths for Federal scholarships, is entitled "Why Can't Some of Our Universities Be Fair to the U.S. Congress?"

This article points out that passage of the National Defense Education Act was a direct result of national concern over Soviet scientific achievements—specifically sputnik. In making financial help available to college students, as the American Legion magazine points out:

Congress asked but one assurance. It asked that when a student should get one of those loans he would state that he is loyal to the United States and would have no part in overthrowing the United States by illegal and violent means.

Surely, Mr. President, this is a small request of Congress to ask in return from these individuals who are receiving so much help.

Yet Congress is being berated by 16 colleges and their presidents who insist that students be released from this simple obligation. As the American Legion points out, 1,370 colleges and 120,000 students have accepted these scholarships without complaint. But not so the 16 "rebels."

The conclusion of this article rightly points out that the important point which concerns us all is that we get on with the job. Colleges which decline to participate in this program are simply failing to do their part to meet the challenge which we all agree confronts us.

I ask unanimous consent that the American Legion magazine article be printed in the body of the Record at this point.

There being no objection, the article was ordered to be printed in the Record, as follows:

#### WHY CAN'T SOME OF OUR UNIVERSITIES BE FAIR TO THE UNITED STATES CONGRESS?

If ever you want to run for Congress, make sure first that you have the hide of a rhinoceros.

Latest example is the beating Congress is taking these days from some of our university presidents. To say that Congress is being maligned by intellectual cheating is putting it mildly.

Remember when the Soviet Union sent up the first sputnik?

"How come?" everybody wanted to know. Where is the vaunted U.S. superiority in science and education, that it lets the Reds beat us into space?

Our colleges took the brunt of the early criticism. Why weren't they training more and better scientists than Russia?

The colleges said, of course, that what they needed was more money—more for themselves, more for their students. Just give us the money and away we go.

When you get to Congress you'll find that's what they all say.

Anyway, Congress stopped, looked, listened, and believed.

Somewhat over a year ago Congress passed the National Defense Education Act. It allows Federal loans for college students, in the hope that that will help some of them make a contribution some day to U.S. science in the fields in which we are competing with the Soviet Union.

Congress asked but one assurance. It asked that when a student should get one of those loans he would state that he is loyal to the United States and would have no part in overthrowing the United States by illegal and violent means.

Some 1,370 colleges and universities have accepted this, and so have 120,000 students in those 1,370 colleges.

Not so 16 other colleges, including Yale and Harvard. They are raising so much hell about it that they have refused to go along with the program.

What did Congress do to offend them?

Well, say Yale and Harvard and the 14 others, what do you mean by asking our students to say they'll be loyal to their country and wouldn't be traitors? We want this money with no strings attached or we don't want it at all, and we won't let our students make any such pledge in order to get Federal help to go through college.

This being America, of course, any objections are entitled to their day in court. Maybe Yale, Harvard, et al., have some good solid, sensible, and fair arguments that Congress should listen to respectfully.

Last December 20, A. Whitney Griswold, president of Yale, got the stage in the New York Times magazine to state the case of the 16 rebels. But if you expect he was solid, sensible, and fair to Congress, you're mistaken.

President Griswold set forth three main objections to his students pledging loyalty before borrowing U.S. defense funds. Let's look at his three complaints:

1. He said that Congress is just picking on students and teachers, singling them out for distrust and bad faith.

2. He said a loyalty oath and affidavit wouldn't make students loyal.

3. He said that one loyalty oath leads to another, and went to great pains to set forth that this could lead to persecutions and official inquiries into the minds of all of us.

Are these complaints fair, just, and reasonable? Let's look at them one at a time.

Complaint No. 1: The Congress, says Griswold, has singled out teachers and students for "distrust" from among all others who



get Federal subsidies and loans. Farmers, veterans, social security beneficiaries, for instance, don't have to take loyalty oaths to get Government checks. Even Federal officials who do take loyalty oaths don't have to sign non-Communist affidavits. So, President Griswold tells the people, the Congress is just picking on students and teachers.

Comment: Either way you look at it, President Griswold is kidney punching.

First consider whether Congress shows no faith in the colleges and students.

The whole student loan program is an act of faith in the colleges and students by the Congress.

No college is asked to guarantee that the students who get this help will ever produce the results desired. Congress took the colleges at their word, that if they and their students had more money our country might give the Soviet Union a go of it in scientific education.

Of course, some of the students who get these loans will go into profootball, others may make a big thing of stock speculation or take over pater's delicatessen, or go into advertising—even as some of the lads the taxpayers have educated at West Point and Annapolis have done.

But Congress smiles in the face of such certain adversities for its program, and looks at the good side of the gamble. Some of those students, it has faith, will stick to their chosen field of learning and rise to eminence in it some day. Of these, some will contribute to the advancement of science in the United States.

The Federal loans will make it easier for them to carry their heavy load of studies, free them from dishwashing and waiting on tables, make them better scientists faster. Congress places faith in colleges and students alike that this will be so.

Does President Griswold come forth in the midst of his criticism, to admit that maybe Congress has shown some small faith in his team? He does not.

Second, in directly accusing Congress of "singling out" colleges and students for "distrust" Griswold is faking the facts, not playing fair with Congress, making an unjustifiable slur on the motives of Congress.

In order to assume hurt feelings—which by the way is the main complaint of the 16 colleges—Griswold has to pretend. He pretends that the difference between asking for a loyalty oath in the student loan program, and not asking for it in, say the social security program, stems from an insulting estimate by Congress of the difference between the people who may be benefited.

Yale's president has to pretend (and he does pretend) that there is no difference in the programs that could account for asking loyalty assurances in one program but not in the others.

Is there no difference between the programs, quite apart from the people?

Of course there is.

This is a defense program.

If it works at all, some of the students who are helped by it will, some day, work on the intimate secrets of science projects in which we are competing with the Soviet Union.

Any fairminded person would concede that Congress—whether or not it has the right answer—has more reason to fear national betrayal here than it does of an elderly widow who gets a social security check in the mail.

Yale's president concedes no such true motive in Congress at all. He stakes the main argument of all 16 "rebel" colleges on a nasty and unjustified accusation that Congress is just trying to insult the colleges. And this, dear reader, is what you can expect too, even from the highest seats of learning, if ever you get to Congress.

Complaint No. 2: Loyalty oaths and affidavits, says Griswold, will not make the students loyal. A disloyal person can and maybe will lie in order to reap advantage.

Comment: Of course the oath and affidavit won't make anyone become loyal to the United States. No Member of Congress has said so, nor given Griswold any reason to believe that he thinks this is the reason for the oath.

The purpose of the oath and affidavit is as clear to Griswold as it is to you.

Its purpose is (1) to prevent lending Federal defense funds to such few students who are unable to pledge loyalty to the United States, and (2) to give grounds for prosecuting any students who take the oath, accept the loans, and then use their education to serve an enemy of the United States.

Does President Griswold admit this obvious motive of the Congress and speak intelligently to the point on it? He does not. He doesn't show Congress the courtesy of mentioning the true purpose of the oath and affidavit. He talks instead about whether the oath will make students loyal all by itself, just as if this were what Congress expected.

Then he knocks that argument down, as if by so doing he were showing how stupid Congress is. The notion that the oath might create loyalty originated in the 16 colleges, not in Congress. The stupidity of discussing it at all originates in Yale, Harvard, etc. To pretend Congress is that stupid is academic cheating.

Complaint No. 3: The great danger of permitting such oaths, says Yale's president, is that they lead to political and religious test oaths, to prying into all our personal beliefs by prosecuting officials, and to inquisitions, jailings, religious persecution, findings of criminal guilt by thought-police, etc.

Comment: All of a sudden, President Griswold is talking about a completely different kind of oath from the one Congress has asked. His final main argument, like the others, beats Congress over the head for things Congress didn't do. He asks us to believe that Congress is really taking the first step toward Hitlerism, Sovietism, witch-hunting, religious persecution, Gestapoism, Castroism.

President Griswold knows that it is not true that "one oath leads to another." Oaths don't cause evils. They are tools of society and societies, not causes. Evil oaths come from evil societies. The Hitler oath (which President Griswold actually cites in his criticism of Congress) did not come from an earlier oath, but from the evil nature of Hitler.

President Griswold knows that his claim that oaths, unsupported by evil people, lead from bad to worse is pure poppycock.

On his own Yale campus there is a century of experience with college-sanctioned fraternities exacting horrendous, secret oaths amidst trappings of medieval passwords and handclaps and awful portents, which—if you were to believe Yale's president—would long before now have catapulted Yale back into the Dark Ages.

His complaint against Congress in this respect is therefore not an act of intelligence, but another accusation. It is an unspoken charge that the present Congress of the United States is evilly inclined toward political and religious persecution and thought control.

If President Griswold has a passing personal acquaintance with a cross section of the Senate and House of Representatives, his dark charge that they would wreck American liberties is shocking beyond belief.

Suppose he speaks from ignorance of how loyal to liberty Congress is? His accusation is still a miserably unfair attack, based as it is solely upon evidence that before lend-

ing U.S. defense funds Congress wants assurances of loyalty to the United States akin to what every President from Washington to Eisenhower has given, to what every Boy Scout has voluntarily pledged for 50 years, to what 21 million living and millions of dead war veterans have given for the privilege of defending their country with their lives.

If this is all that the complaints of the 16 colleges out of 1,386 add up to, they are playing dirty pool and owe Congress an apology.

And now it's time to get back down to business. Those sputniks are still going up, and the question of the day still is: "How come our great universities aren't putting out scientists, in the midst of all their great tradition of academic freedom, to equal what the regimented, thought-policed scholars of the Soviet Union are doing in space science and rocketry?"

Congress has thrown you the ball, President Griswold. How about picking it up and running with it?

## ECONOMIC HEALTH AND LABOR-MANAGEMENT RELATIONS

Mr. BRIDGES. Mr. President, among the many things this busy Congress has to consider is the matter of labor-management relations. We have seen the economy of this country come to almost a standstill in recent labor-management negotiations. Integral in our defense effort is the factor of keeping high our economic health, as expressed by our gross national product. This is an effort in which all of us must give our utmost.

I think no better expression can be made in regard to the situation than the editorial appearing in the Keene, N.H., Evening Sentinel of February 5, 1960, which I would like to have printed in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### ONE-WAY STREET

A few days ago the Cleveland News, one of the country's larger newspapers, followed a too-familiar precedent and ceased to exist.

In the newspaper industry the demise, coming not long after that of the Ohio State Journal (in Columbus) and the Cincinnati Times-Star, created hardly more than a ripple of comment.

The Cleveland News was simply bowing to what has become an obvious and inexorable economic trend. It was the oft-repeated story:

Revenues simply could not be made to keep pace with rising production costs as reflected (1) in the price of labor and (2) in the price of materials, wherein labor again was the dominant factor.

Wherever collective bargaining was involved, every session at the bargaining table had brought another turn of the screw—another exaction that was not matched by any corresponding increase in the money coming in at the front door.

In another segment of the economy, the railroads are confronted with a major strike threat.

Involved in this situation are 21 unions and more than 700,000 employees.

The rail crisis—which is over wages, of course—comes at a time when many communities (and, in some instances, sizable regions) are striving desperately to preserve train service which the railroads say they are no longer able to maintain.

Whether a rail strike will occur, after all applicable Federal procedures are exhausted, can hardly be predicted at this time.

What can be forecast with fair certainty is that the pulling and hauling of negotiation will end with a wage increase. (After all, this is an election year.)

The railroads will then resume their efforts to meet rising costs by shrinking their service.

Still fresh in mind is the long-drawn steel strike—the great showdown on inflation.

After all the fanfare over "holding the line" and "halting the spiral," the administration intervened and the steelworkers got a substantial wage hike.

Whether steel prices will go up after the November election is of no immediate concern to the union leaders. They won enough to enable them to say, "Look boys, we've delivered again."

Only by delivering do they continue to hold power.

Our purpose here, however, is not to condemn the steelworkers' representatives or any other union leaders for doing well the job they are paid to do. Neither is it our intention to dissect any particular settlement.

Rather we are concerned with the broader implications of a developing economic pattern.

The laborer is worthy of his hire, and we yield to none in our desire to defend the rights and promote the interests of the American workingman.

After every increase won at the bargaining table, the argument is heard that business will benefit because the workers will have more money to spend.

Rarely is any concern shown for the persons with relatively fixed incomes—schoolteachers, for instance—whose purchasing power will decline if prices go up. Seldom regarded are the retired workers living on pensions, or those whose life savings are jeopardized by inflation.

Neither, apparently, is much consideration ever given to the shrinkage of employment that can result if the levies at the bargaining table are too heavy.

None of us will ever know, for instance, how many newspaper workers in Cleveland, Columbus, and Cincinnati would now be glad to work for a little less if they could stay in their old homes and work at their old jobs.

What we are getting at is simply this:

Has wage negotiation become a one-way street?

Is it really collective bargaining if the result is always foreordained?

Has a system been created wherein, by a process of "splitting the difference," the trend of wages and prices must always be up, regardless of consequences?

If so, then all of us may well begin to ponder on the corrective measures that may be required.

#### FREE ELECTIONS IN SOUTH KOREA

Mr. WILEY. Mr. President, tomorrow the voters of South Korea go to the polls to exercise one of the most precious privileges to be possessed by the citizens of a country—that is, the right to have a voice in their government.

As a free people, we are naturally gratified by the adoption of elective institutions in Korea and elsewhere in the world that reflect real citizen participation in government.

In Korea, we take special pride in the existence of a free election system; because, in the Korean conflict, our sons fought to create the climate and conditions for such elections.

Without the sacrifices of the sons of America and other lands, the people of South Korea, in all probability, would not have a free election tomorrow. Rather, they might well be subjugated to a Communist system that strangles, suffocates, and stamps out the voice and wishes of the people under a totalitarian dictatorship.

Overall, the involvement of conditions in which more people of more lands may have a real voice in determining their personal and national destinies is to be greatly encouraged.

From our own experience, of course, we realize, that a country seeking to establish and carry out a free elective system faces problems and difficulties.

Traditionally, we, as a Nation, have adhered to—and rightly, I believe—a policy of noninterference in the affairs of other countries.

However, we recognize that it is necessary to encourage for others—as we seek for ourselves—high standards of conduct for campaigning, as well as effective, protective measures to assure noninterference in voters exercising free choice.

If freedom is to survive, this is essential.

Any unwarranted interference with free elections—in Korea or anywhere else—jeopardizes the rights of present voters, interferes with fundamental freedoms, and casts a universally unfavorable reflection on the free elective process.

As the people of South Korea go to the polls tomorrow, we as a sister Republic congratulate them upon their opportunity to participate in the free election.

At the same time, we would encourage efforts by the citizens, as well as the leaders, of this fine country, to be dedicated to, and vigilant to guard against violations of, their free elective process to assure—as Lincoln stated—real government "of, by, and for the people."

The PRESIDING OFFICER. (Mr. BENNETT in the chair). Is there further morning business? If there be no further morning business, the Chair lays before the Senate the unfinished business.

#### LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

Mr. GOLDWATER obtained the floor.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Georgia.

Mr. RUSSELL. Mr. President, there is some question about a demand for a division of the question having been made with respect to section 2 of the substitute. I had thought I had requested the separability of each of the original seven sections of the Dirksen substitute, but, to avoid any question, Mr. President, I request a division of the question, so that section 2 will be the pending business.

The PRESIDING OFFICER. Under the rules, the Senator from Georgia has that right.

Mr. HILL. Mr. President, will the Senator from Arizona yield so that I may suggest the absence of a quorum?

Mr. GOLDWATER. The Senator from New York [Mr. KEATING] had requested me to yield to him for the purpose of introducing a bill and making a few remarks on it. He has business in some other part of the Capitol. I yield to the Senator from New York with the understanding that I shall not lose the floor.

Mr. RUSSELL. Mr. President, will the Senator from Arizona get the same understanding for a quorum call?

Mr. HILL. Will the Senator yield for that purpose, without losing the floor, at the conclusion of the statement of the Senator from New York?

Mr. GOLDWATER. Yes.

(At this point Mr. KEATING introduced a bill and made remarks thereon, which appear elsewhere in the RECORD.)

Mr. KEATING. Mr. President, I express gratitude to my friend from Arizona for yielding to me.

Mr. MUNDT. Mr. President, will the Senator yield to me, under unanimous consent, so that I may be permitted to say a few words without the Senator's losing his right to the floor?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may yield to the Senator from South Dakota with the understanding that by so doing I shall not lose my right to the floor.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

#### FORTY-FIRST BIRTHDAY ANNIVERSARY OF THE AMERICAN LEGION

Mr. MUNDT. Mr. President, I should like to take this opportunity to extend a salute to the American Legion of the United States which is this week celebrating its 41st birthday.

The 17,000 American Legion posts and the 14,000 auxiliary units, whose members have served in one or more of three wars, are serving this Nation and the world by supporting the ideas and ideals of justice, freedom, and peace.

The American Legion has a star-studded record. It has had an immeasurable impact on the American scene. It keeps alive the flame of freedom in the United States by its efforts to encourage patriotism and love of country. We should recall that the words in the Legion's preamble to its constitution read:

To foster and perpetuate 100 percent Americanism.

How well the Legionnaires of this country have carried out this challenge.

"Americanism" is the theme of the Legion. It provides the basis for its programs. It is the justification for its formation and the purpose of its continuation.

I should like to recall some of the worthy Americanism projects which



over the years, have resulted in instilling greater love of homeland and government in the hearts and minds of America's youth.

The national oratorical contests sponsored by the Legion have attracted more than 4 million boys and girls. It was required of each contestant that he show a knowledge of the United States Constitution. What better way could be found to encourage the study of this great document?

In order to give practical experience and education in government and to inspire greater love of country among high school boys the American Legion has sponsored Boy's State and Boy's Nation. The auxiliary has sponsored Girl's State and Girl's Nation.

Last year, in addition, 18,000 American Legion School Award Medals were presented to boys and girls who were outstanding in honor, courage, scholarship, leadership, and service.

If any Members of the Senate are not familiar with the "Americanism Manual" issued by the American Legion, I commend it to your study. It is a full outline of programs and aims for fulfilling a national Americanism program.

The national Americanism commission of the American Legion was created by a recommendation made to and adopted by the national convention held in Minneapolis, Minn., in 1919. The recommendation reads as follows:

We recommend the establishment of a national Americanism commission of the American Legion, whose duty shall be the endeavor to realize in the United States the basic ideal of this Legion of 100-percent Americanism through the planning, establishment, and conduct of a continuous, constructive, educational system designed to:

- (1) Combat all anti-American tendencies, activities, and propaganda;
- (2) Work for the education of immigrants, prospective American citizens, and alien residents in the principles of Americanism;
- (3) Inculcate the ideal of Americanism in the citizen population, particularly the basic American principle that the interests of all the people are above those of any special interest or any so-called class or section of the people;
- (4) Spread through the people of the Nation the information as to the real nature and principles of American government; and
- (5) Foster the teachings of Americanism in all schools.

The "Americanism Manual" points out that the objective of the national Americanism commission is to translate Americanism precepts, principles, and ideals in an understanding and practical manner to Legion posts and to other groups and individuals, including young Americans.

While all of us who now live in this Nation, owe a debt of gratitude to the American Legion for its strong defense of the principles of our Government, the generations yet unborn owe even a greater debt, because the Legion has fought off the onslaughts of un-American and anti-American forces both in war and peace during the past two dangerous decades. The enemy at our gates and the subversive agent in our midst have been dual targets for the watchful and wary members of this patriotic organization.

I believe that the national commander of the American Legion, Martin B. McKneally, gave the best analysis of what the Legion stands for when he said in a speech last November:

As Legionnaires, we believe absolutely in the greatness of America. We fully acknowledge our responsibility as citizens to serve the community for no other reason than the community's gain. We hold that the great principles of Americanism—the God-given capacity of the individual to live in freedom and justice and mercy—are truths to be honored not only in the abstract but in the day-by-day progression of our lives.

Serving the community for the community's own good results from the many programs which the national Americanism commission carries on. Some of them, as listed in the broad categories, are: Community service and safety activities; educational activities; immigration, naturalization, and citizenship activities; recreation and junior league baseball activities; youth activities; and un-American activities.

And, in each category, there are as many as a half-dozen specific activities designed to increase the fervor of the citizen for the principles of our Government and an appreciation for the freedoms we enjoy.

Some of these I have mentioned in detail. I should like to name one or two more of special importance and significance. A most worthy one is the back to God program, which strengthens the moral and spiritual foundations of American life. Others include community service councils, accident prevention, get-out-the-vote campaign, citizenship schools for foreign born, and many others.

The Legion is concerned with practical, helpful service programs to assist the needy, the disabled, and those who require rehabilitation. The Legion's child-welfare program spent \$8 million last year. Some 50,000 volunteers from the ranks of the Legion assisted in this relief work for the needy.

The American Legion stands as the defender of the veteran and the defender of the free way of life in these United States. On this, its 41st birthday, it can look back over a distinguished service record.

May it continue to be the great organization that it presently is. May it continue to be our bulwark of freedom, our guardian at our gates of freedom.

Mr. President, in the case of the American Legion, it can truthfully be said, "Life begins at 40." With a great record of service behind it, the American Legion looks forward to many new decades of constructive service.

I thank the Senator from Arizona for yielding to me.

#### CHANCELLOR ADENAUER'S STATEMENT ON THE PRACTICE OF DEMOCRACY IN THE U.S. SENATE

Mr. GORE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. Mr. President, I yield, with the understanding that I do not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORE. Mr. President, I hold in my hand this morning's New York Times, which quotes Chancellor Adenauer, our distinguished guest from West Germany, as follows:

While expressing belief that democracy had been consolidated in West Germany, Chancellor Adenauer noted that practicing democracy "seems to be a difficult thing, as you can see from the debate in the U.S. Senate."

Mr. President, I hold Chancellor Adenauer in the very highest esteem, as indeed, I believe, all Americans do. The same can be said for the great people of West Germany. It appears to me highly inappropriate for this distinguished guest to make such a reference to an institution of our Government. The distinguished Senator from Arizona has just offered an amendment, which he has a right to offer. A request for a ye-a-and-nay vote on the amendment has been granted. Here democracy is being practiced. No longer is the filibuster prevailing. We are proceeding to vote upon one amendment after another, as free representatives of a free people. Therefore, it is with regret that I read this disparaging remark by the Chancellor of West Germany regarding the U.S. Senate.

#### LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

Mr. HILL. Mr. President, will the Senator yield to me, with the understanding that he will not lose his right to the floor, so that I may suggest the absence of a quorum?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that I may yield to the Senator from Alabama, with the understanding that I shall not lose my right to the floor by so doing.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Arizona? The Chair hears none, and it is so ordered.

Mr. HILL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 121]

Alken	Dirksen	Johnston, S.C.
Allott	Douglas	Keating
Anderson	Dworshak	Kefauver
Bartlett	Eastland	Kennedy
Beall	Ellender	Kuchel
Bennett	Engle	Lausche
Bible	Ervin	Long, Hawaii
Bridges	Frear	Long, La.
Brunsdale	Fulbright	McCarthy
Bush	Goldwater	McClellan
Butler	Gore	McGee
Byrd, Va.	Green	McNamara
Byrd, W. Va.	Gruening	Magnuson
Cannon	Hart	Mansfield
Carlson	Hartke	Martin
Carroll	Hayden	Monroney
Case, N.J.	Hennings	Morse
Case, S. Dak.	Hickenlooper	Morton
Church	Hill	Moss
Clark	Holland	Mundt
Cooper	Hruska	Murray
Cotton	Jackson	Muskie
Curtis	Johnson, Tex.	Pastore

Prouty  
Randolph  
Robertson  
Russell  
Saltonstall  
Schoeppel  
Scott

Smathers  
Smith  
Sparkman  
Stennis  
Symington  
Talmadge  
Thurmond

Wiley  
Williams, Del.  
Yarborough  
Young, N. Dak.  
Young, Ohio

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wisconsin [Mr. PROXMIER], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] is necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

Mr. KUCHEL. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Hawaii [Mr. FONG] is absent on official business.

The Senator from New York [Mr. JAVITS] is detained on official business.

Mr. GOLDWATER. Mr. President, I send to the desk an amendment and ask that it be read.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 11, after the word "vehicle", strike all through the word "education" on line 14.

On lines 4 and 5 and after line 24, strike out "1074. Flight to avoid prosecution for destruction of educational or religious structures" and insert in lieu thereof "1074. Flight to avoid prosecution for destruction of any buildings, structures, facilities, or vehicles."

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield so that I may ask for the yeas and nays on the amendment?

Mr. GOLDWATER. I yield for that purpose.

Mr. WILLIAMS of Delaware. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, the need for legislation in this particular field has been recognized by both Houses of Congress as we are striving to put together a civil rights bill.

The bombing of schools, synagogues, and churches is relatively new in this country. The number of such instances has grown in the last 2 or 3 years. However, before that time it was very difficult to find any record of schools or churches or synagogues or other places of worship being bombed. There have been other bombings and destruction by fire, and such bombings and destruction are not new. We have had this problem with us for many years, as we have found in the instances of strikes in this country, when property of all types has been destroyed by bombing or by fire.

The purpose of my amendment is to make the language of the Senate bill apply the law equally to all such cases in the country. I should like to read section 2 of the Dirksen amendment which applies to this point:

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confine-

ment after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

Mr. President, that language appears at page 3 of the Dirksen substitute, beginning on line 6 and ending on line 17 on that page.

The House has already recognized that the equal application of law theory should apply in this instance, because in its language, appearing on page 3, beginning on line 3, of H.R. 8601, the House bill provides:

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully attempting to or damaging or destroying by fire or explosive any building, structure, facility, vehicle, dwelling house, synagogue, church, religious center or educational institution, public or private, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

The House language recognizes the equal application of the law. I call the attention of the Senate to the difference in the language, and why I am offering the amendment which has just been read.

The House language includes "building, structure, facility, vehicle," but it goes further and includes "dwelling house, synagogue, church, religious center or educational institution, public or private."

The Senate language, on page 3, line 11, provides "building, structure, facility, or vehicle."

Then the Senate language restricts the application of those words to—

If such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education.

My amendment is very simple. It merely strikes all the language on page 11 after the word "vehicle" through the word "education" on line 14.

The Senate language, after the adoption of my amendment, would then read, beginning on line 9:

For willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, or (2) to avoid giving testimony

And so forth.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. CASE of South Dakota. Then what the Senator from Arizona proposes is to strike out the requirement "if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education."

Mr. GOLDWATER. The Senator from South Dakota is absolutely correct. My purpose is to make the provision apply across the board.

Mr. CASE of South Dakota. Across the board wherever—

Mr. GOLDWATER. Wherever there is an attempt to destroy by fire or bombing, as the intent of the legislation indicates.

Mr. CASE of South Dakota. "Either by fire or explosive" would cover the situation.

Mr. GOLDWATER. That is correct. I may say, to continue my answer to the Senator's question, that the present section 1073 of title 18 of the United States Code makes flight by a fugitive in interstate or foreign commerce with intent to avoid prosecution under the laws of the place from which he flees, for murder, kidnaping, burglary, robbery, mayhem, rape, assault with a dangerous weapon, arson punishable as a felony, or extortion accompanied by threats of violence, punishable as a Federal felony by a fine of not more than \$5,000 and imprisonment up to 5 years.

I believe that restricting the language of the bill to only four areas of description would adequately cover anything which might be destroyed by this means. We make it perfectly clear to the House that we agree with them, but that we would like to see the language stricken by eliminating any reference to any particular institution, such as a religious or educational institution.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. I thoroughly approve of what the Senator from Arizona is attempting to do, if I understand it correctly.

In the Senator's opinion, is the word "facility," which he uses, broad enough to cover the bombing of such installations as powerplants, telephone exchanges, power transformer stations, and the like?

Mr. GOLDWATER. Yes. The question the Senator from Florida has propounded to me could be answered by reading the words in the language I propose. Let us take, for example, a powerplant. That would be a building, under one part of my definition. Certainly the transformer section of a power plant could be called a structure. The word "facility" would certainly cover the switchboards of a powerplant or the switchboards of a telephone exchange. It would likewise cover the valves and controls necessary to regulate a waterworks, or the valves or controls necessary to regulate air conditioning systems or furnaces, if they were attacked alone. "Facility" would certainly cover every item in which the Senator from Florida has expressed an interest.

Mr. HOLLAND. There is one more item in which I would express an interest, because bombings have occurred affecting that item, I am unhappy to have to say, in my own State. I refer to the bombing of a distribution facility in a gas line bringing natural gas into our State, where we have none naturally, for distribution to various areas in the State. Would such a distribution center



or line be regarded as coming within the verbiage of the Senator's amendment?

Mr. GOLDWATER. In my opinion, and in the opinion of those who have defined the word to me, "facility" would cover any situation such as the Senator has described. Living in a State which depends on the transportation of natural gas from other States, I have some knowledge of the type of structure about which the Senator from Florida is speaking. If an attempt were made to destroy the distribution facilities of a gas system, it would require an attack on the building, which would result in an attack on the facilities for distribution. I feel perfectly confident that both the word "building" and the word "facility," in this particular instance, would cover that situation.

Mr. HOLLAND. Mr. President, will the Senator further yield?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. Under the wording of the original section 2, it appears to me that the bombings of dwelling houses would not be included within the provisions of that section. I note that the Senator's amendment would include dwelling houses.

Perhaps the most horrible bombings we have had in our State in the last several years have been the bombings of residences. One bombing took place not so very long ago in the Miami area. Another took place 4 or 5 years ago in a little community named Mims, where dwelt the leader of the NAACP in our State. He and his wife were bombed at night in their home. One or both of them were killed by the bomb. It seems to me that such examples as those would make it very clear that we would be having only partial coverage of the field with which this section deals, if the wording did not clearly include dwelling houses. I certainly congratulate the Senator from Arizona upon his amendment.

Mr. GOLDWATER. I think the Senator from Florida has made a very important observation concerning the amendment, namely, that if a gas distribution plant, about which we were speaking, were bombed, and it were not primarily used for religious purposes or for the purpose of private primary, secondary, or higher education, the present language of the bill would not apply.

It would not apply to the unfortunate bombings such as that which took place at the home in Mims, Fla. If such homes were not adjudged to be used primarily for religious purposes, then the law would not apply. It was because of my desire to bring this provision into consonance with the theory that the law should apply equally that I offered the amendment to strike out the language which limits the bombings only to religious institutions.

Mr. HOLLAND. Considering the fact that the present Federal law, as the Senator from Florida understands it, makes it a Federal crime to transport a stolen automobile across State lines, and makes it a Federal crime for a man to transport a female person across State lines for immoral purposes, it seems to me that the proposed legislation, if made to

apply generally, would be consistent with other provisions of Federal law, and not inconsistent therewith, and that it would be very inconsistent if we so limited this section, as it is originally constituted as section 2 of the Dirksen amendment. I hope the Senator agrees with me in that respect.

Mr. GOLDWATER. I certainly do agree with my friend, the Senator from Florida; and I wish to repeat what I said earlier, namely, that the present section 1073, title 18, of the United States Code, makes a Federal crime of the offenses the Senator has listed. All this proposal will do will be merely to add to the crimes now listed in section 1073, of title 18, the crimes we have listed in section 2, as amended—namely, any building, structure, facility, or vehicle—and we make that punishable in the same manner that such an act in violation of State law is punishable and if a person flees or attempts to flee the jurisdiction.

Mr. HOLLAND. Mr. President, will the Senator from Arizona yield further to me?

The PRESIDING OFFICER (Mr. BRUNSDALE in the chair). Does the Senator from Arizona yield further to the Senator from Florida?

Mr. GOLDWATER. I yield.

Mr. HOLLAND. On Friday, a somewhat similar amendment was offered by the Senator from Ohio [Mr. LAUSCHE] to section 1 of the Dirksen amendment. At that time, in announcing my support of the Lausche amendment, I made clear that I had strong objection to section 1 of the Dirksen substitute amendment, so that even if the Lausche amendment to it were adopted, I would vote to strike out section 1 of the Dirksen substitute amendment if afforded the chance to do so.

At this time by way of clear contrast, I wish to make clear that adoption of the amendment now offered by the Senator from Arizona to section 2 would leave me in position where I would very strongly support inclusion in the Dirksen amendment of section 2 as thus amended.

Mr. GOLDWATER. I thank the Senator from Florida.

I wish to state that it has been very difficult for me, from the very start, to understand how section 2 could properly be confined only to civil rights and could properly be described as applying only to civil rights. As Senators know, many bombings and firings have no relationship to civil rights. In fact, I find it difficult to relate to civil rights even the bombing of a church or a synagogue or other place of worship.

In other words, in common decency, no one in this country should have the right to bomb a dwelling or other building of any group and be able to go scot free, as has occurred in a number of instances in the past—for instance, by fleeing across a State line, and by finding there a friendly State Governor who would refuse extradition of that person back to the scene of the crime.

Mr. HOLLAND. I thank the Senator from Arizona.

I may add that I think the so-called hate bombings have occurred recently in

much too great numbers and this legislation should help reduce the number.

Only a few minutes ago I noted on the press ticker a dispatch from Argentina, to the effect that there have been so many hate bombings in Argentina that, as of today, the Argentine Government has declared hate bombings to be a capital offense, regardless of whether anyone is killed, because such bombings have become so frequent an occurrence there.

So I thank the Senator from Arizona for his statement and his fine effort.

Mr. GOLDWATER. I thank the Senator from Florida.

In fact, Mr. President, we have been fortunate that few people in our country have attempted to vent their hate or their anger by means of bombings, whereas such bombings have occurred in other countries. Certainly I think the action we take today will prevent any increase of such activities in this country.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator from Arizona yield?

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Arizona yield to the Senator from Delaware?

Mr. GOLDWATER. I yield.

Mr. WILLIAMS of Delaware. I should like to ask a question along the same line of that asked by the Senator from Florida.

A few months ago there was in Delaware an unpleasant experience with the bombing of a dwelling. As I understand the committee bill, if the amendment submitted by the Senator from Arizona, on behalf of himself and other Senators, is not adopted, the committee bill will not be applicable to the bombing of a dwelling.

Mr. GOLDWATER. The Senator from Delaware is correct, unless the dwelling is used primarily for religious purposes or for the purpose of education.

Mr. WILLIAMS of Delaware. That is the same understanding that I have.

But in the instance to which I have referred the dwelling was not used for religious or educational purposes. It was a man's private home.

I agree fully with the Senator from Arizona that any such bombings or willful destruction of property are indefensible in any area or for any reason; and certainly this section of the bill should cover all bombings.

As I understand the situation, if the Senator's amendment to section 1 is adopted section 1 will then cover all bombings or the destruction by explosives of any building or any type of structure or any vehicle whether such destruction resulted from racial or religious hatred or from union rioting. I think the language of the section, as thus amended, will be as all-inclusive as it could possibly be drawn.

Therefore, I was very glad to cosponsor the Senator's amendment; and if it is adopted I shall strongly support the inclusion of that section in the bill.

Mr. GOLDWATER. Mr. President, certainly the Senator from Delaware is correct in his observations; namely, that no one in this country has the right to destroy the property of another. One of the most hallowed parts of our Con-

stitution is the provision that property shall not be taken without due process of law. Certainly no man has a right to put himself above the law or the Constitution by taking property from another by means of destruction, and then flee to another State and not be punished.

If we are going to apply the law now proposed to religious and educational institutions and structures—as I believe should be done—it certainly should be broadened, so as to make it possible to bring to justice all persons who during the past years have engaged in venting their hate in this manner.

Mr. WILLIAMS of Delaware. I certainly agree that the law by all means should apply to educational and religious institutions as well as to all others, and if the amendment of the Senator from Arizona is adopted, it will cover the destruction of all types of buildings, vehicles, and other facilities.

Mr. GOLDWATER. Yes.

I may say to my friend, the Senator from Delaware, that the words "any building, structure, facility, or vehicle" are about as broad in their meaning as I can imagine any descriptive phrase could be made to be.

Mr. WILLIAMS of Delaware. They are; and I thank the Senator from Arizona for helping to establish this legislative record.

Mr. ERVIN. Mr. President—

Mr. GOLDWATER. I yield to the Senator from North Carolina.

Mr. ERVIN. I am of the opinion that the able Senator from Arizona is performing a real public service of a substantial nature in proposing his amendment. I share the view expressed by him, to the effect that any system of justice worthy of the name will provide uniform laws, to apply alike to all people in like circumstances.

I am interested in the Senator's amendment, and in seeing it adopted. I believe his amendment was drawn in reference to his own original amendment rather than in reference to the Dirksen amendment in the nature of a substitute. I have conferred about this matter with the Parliamentarian.

I note that the Senator's amendment has, in effect, two provisions: First, one which deals with the first part of the section, from line 6 through line 22. I think that part of the amendment is well drawn, in order to effect the object expressed by the Senator.

The second part of the amendment deals with lines 23 and 24 and with the words and figures "1074. Flight to avoid prosecution for destruction of educational or religious structure," which follow line 24.

I wonder whether the Senator from Arizona would be willing to request unanimous consent to modify the second portion of his amendment, as follows: change the wording after line 24 to read as follows:

1074. Flight to avoid prosecution for destruction of buildings, structures, facilities, or vehicles.

That would make the second part of the amendment harmonize with its first part.

Mr. GOLDWATER. The Senator from North Carolina is absolutely correct. In rewriting the amendment while I was seated at the desk, I had in mind at that time substituting it for the amendment which was printed.

However, I wish to suggest to the Senator from North Carolina that I would add the word "any" before the words "buildings, structures, facilities, or vehicles"; and that change will bring the language of the amendment into complete conformity with the intent.

Mr. President, I ask unanimous consent that my amendment be amended accordingly.

Mr. CASE of South Dakota. Mr. President, will the Senator from Arizona not wish to make the same change in lines 4 and 5? Essentially he is changing the title and also the analysis when he modifies his amendment in this way.

Mr. GOLDWATER. Mr. President, in conformity with the suggestions made by two friends, I ask unanimous consent to modify my amendment, first, on line 4 of page 3, by striking out "educational or religious structures," and inserting, "any building, structure, facility, or vehicle."

Again, at line 24, beginning with the figure "1074" after the word "destruction," to strike out "of educational or religious structures," and add, "any building, structures, facility, or vehicles."

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is modified as indicated.

Mr. GOLDWATER. I thank my two friends.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. GOLDWATER. Yes; I am happy to yield.

Mr. CASE of South Dakota. I think the support which the Senator is attracting to his amendment is evidence of the fact that it will command the support of a majority of the Senate when it goes to a final vote. At least, that is the present indication, and I hope that will be the case. I think we should keep in mind that, this being a proposed Federal law, it can deal only with interstate aspects of the crime. So it deals with flight to avoid prosecution or flight to avoid giving testimony. Punishment for the bombing itself would have to rest on State statutes.

Mr. GOLDWATER. I think the total language of section 2 makes it adequately clear that it is not proposed that the Federal Government shall move in and that a bombing or firing shall be a Federal crime. It becomes clear that it becomes a Federal crime when such a person flees across State lines, in order, as the section sets out, to avoid prosecution or confinement after conviction, or to avoid giving testimony in any proceeding relating to such an act.

I am glad the Senator has raised that question, because I did not want anyone to get the idea that the junior Senator from Arizona was suggesting that the Federal Government get further into the affairs of our States.

As I said at the outset, the bombing of churches, synagogues, and other places of worship, and, in addition to that, schools, both primary and secondary, public and private, is rather new in this country; but bombings for the expression of passion or hate or for other purposes has been going on for some time. I do not want to labor those present in the Chamber today with all the details of this subject, but I sat on the hearings of the McClellan committee during which we had adequate testimony as to the use of violence in strikes and adequate testimony to the ineffectiveness of the Federal Government in apprehending those persons who fled States to avoid prosecution.

We had over 800 examples of violence, not of bombing, not of firing, but of a group of bombings and firings that occurred up to the time we took testimony in 1958, concerning the Kohler strike in Sheboygan, Wis.

I ask unanimous consent that the compilation be made a part of my remarks at this point in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

*Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955*

No.	Name	Affidavit date	Date of incident	Description
1	Dale Oostdyk.....	Apr. 8, 1954.....	Apr. 7, 1954.....	Nonstriking employee physically assaulted, kidnapped, beaten, cursed, told to join union on threat of death.
2	Herman Miesfeld.....	do.....	do.....	Nonstriking employee intercepted on way to work, coerced into joining union.
3	Harold Fanslau.....	Statement May 6, 1954.....	May 6, 1954.....	"633" painted on top of automobile; body smeared with paint.
4	Leland Dyke.....	Memo of telephone conversation.....	May 10, 1954.....	Nonstriker on way to work threatened with bodily injury.
5	Otto Vogt.....	June 1, 1954.....	May 11, 1954.....	Valve stems cut off 2 tires.
6	Leo Bukowski.....	May 14, 1954.....	do.....	Stone thrown through window of home.
7	Robert Neumann.....	do.....	do.....	Automobile tire punctured with screwdriver.
8	Arno C. Kremln.....	May 12, 1954.....	May 12, 1954.....	Picture window of home shattered by stone.
9	J. A. Lucynski.....	May 13, 1954.....	do.....	Thermopane window smashed by stone.
10	Charles Forbes.....	May 26, 1954 (May 24, 1954, should be May 25, 1954).	May 24, 1954.....	Nonstriking employee assaulted, struck on way to work.
11	Rance Rasmussen.....	do.....	do.....	Nonstriker assaulted, struck while walking to work.
12	Leland Dyke.....	May 29, 1954.....	do.....	Nonstriker assaulted; struck, kicked in groin.



Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
13	Otto Vogt	June 1, 1954	June 1, 1954	Valve stems cut off 4 tires. (Should be 3 tires.)
14	Leander Daun	June 2, 1954	do	Valves cut off 3 tires.
15	Adam Gulan	June 16, 1954	do	Railroad spike set under automobile tire.
16	Albert Mauer	June 2, 1954	June 2, 1954	Garage door smeared with paint.
17	Harvey Roerdink	do	do	Garage door splashed with paint.
18	John Kohlhaugen	June 9, 1954	June 7, 1954	Tire punctured.
19	Robert Schaefer	June 7, 1954	do	Automobile windshield shattered; valve stem cut from tire.
20	Edwin Winkel	June 14, 1954	June 9, 1954	Acid splashed on new automobile.
21	Carl Siegel	June 11, 1954	June 11, 1954	Shrubs, perennials, other plantings torn from ground.
22	Don Schilling	do	do	Word "scab" painted on automobile.
23	Anton Schnur	June 14, 1954	do	Rocks thrown through plate-glass window of home.
24	Arwin Herzog	June 12, 1954	June 12, 1954	Word "scab" painted twice on automobile.
25	Don Schilling	June 14, 1954	June 14, 1954	Blue automobile smeared with black enamel.
26	Adam Gulan	June 16, 1954	do	Sugar put in gasoline tank of auto.
27	Norman Glaser	do	June 15, 1954	Sand put in gasoline tank of farm tractor.
28	Albert Perrone	June 18, 1954	June 17, 1954	Plastic bag filled with tar hurled at garage, smearing building and concrete apron.
29	Millard Bell	do	do	Air let out of auto tire.
30	Arthur Roehl	do	do	Air let out of 4 tires.
31	Reuben Krebsbach	June 23, 1954	June 18, 1954	Acid poured on automobile.
32	Elmer Baehler	June 18, 1954	do	Wire netting torn from mink sheds.
33	Willard Van Ouwerkerk Valeria Van Ouwerkerk	June 19, 1954 June 20, 1954	do	Nonstriking employee struck from rear, knocked down, stomped, injuries included crushed chest and victim in critical condition for days.
34	John Kovacic	June 21, 1954	June 19, 1954	Thermopane window in home broken by stone.
35	Carl Kummer	do	June 20, 1954	Air let out of automobile tire.
36	Steven Konik	June 22, 1954	do	Nonstriking employee warned not to work, assaulted.
37	Carl Kummer	June 21, 1954	do	Nonstriking employee assaulted in tavern by gang of 8 men; asked why he didn't join union; knocked to floor.
38	Jacob Den Boer	June 23, 1954	June 22, 1954	2 light bulbs filled with black paint thrown, one smashing and splattering exterior of home, other breaking window and splattering paint over living room and furnishings.
39	Arthur Hedstrom	June 24, 1954	do	2 light bulbs filled with brown paint smashed against exterior of home.
40	Robert Leuck	do	do	2 light bulbs filled with white paint smashed against exterior of home.
41	Leland Dyke	do	do	Nonstriker cursed, threatened, physically assaulted.
42	Roger Wuestenbagen	June 25, 1954	June 24, 1954	Nonstriking employee assaulted, knocked to ground.
43	Harold Curtiss	June 29, 1954	June 28, 1954	Shotgun blast fired through living-room window.
44	Wilbert Gartman	July 1, 1954	June 30, 1954	Object hurled at automobile going through Kohler Co. gate.
45	Wilbert Gartman	do	do	Trunk of automobile splashed with paint remover.
46	Paul Milbrath	do	do	Can of paint thrown onto porch, splattering.
47	Arthur Klein	do	do	Can of paint thrown against house.
48	Elmer Voelker	July 3, 1954	July 2, 1954	Brown paint thrown at window; red paint at side of house.
49	Eugene Puls (nonemployee)	Memo July 7, 1954	do	Light bulb filled with paint thrown at front door.
50	William J. Bersch, Sr. William G. Bersch, Jr.	July 5, 1954 July 6, 1954	July 4, 1954	Father and son assaulted, brutally beaten.
51	Paul Koeppler	July 12, 1954	July 9, 1954	Sand placed in automobile gasoline tank.
52	Chester Herman	July 10, 1954	July 10, 1954	Window in home smashed.
53	Richard Burch	July 17, 1954	July 16, 1954	Nonstriking employee threatened, warned not to go through picket line, assaulted.
54	Elden Slavens	July 21, 1954	July 21, 1954	2 light bulbs, filled with black and with red paint, thrown at home.
55	Albert J. Mauer	do	do	3 light bulbs, 1 filled with black paint, 1 with red paint, and 1 with dark green paint, thrown at home.
56	John Stockinger	July 23, 1954	do	Automobile tire slashed.
57	Robert Krepisky	July 26, 1954	July 26, 1954	Automobile windshield frame dented, windshield cracked, aerial broken off, windshield wiper broken.
58	do	Aug. 2, 1954	Aug. 1, 1954	Automobile tires slashed, valve stem cut off.
59	Fred Huehlman	Aug. 5, 1954	Aug. 5, 1954	Valve stems cut from 2 tires.
60	Merlin Schleunes	Aug. 9, 1954	Aug. 7, 1954	Word "scab" scratched on automobile.
61	Guenther Voss	Aug. 16, 1954	Aug. 11, 1954	Car going through Kohler Co. gate stoned.
62	Elmer Meyer	do	do	Automobile splashed with irremovable substance.
63	Guenther Voss	do	Aug. 12, 1954	Tire punctured by new galvanized roofing nail. Similar nails found on driveways at plant gates and near fences.
64	Claude Dault	Aug. 17, 1954	Aug. 17, 1954	Rocks thrown through window of home.
65	Eugene Eernisse	Aug. 19, 1954	do	Rocks shatter living-room window, break lamps and furniture.
66	Alexa Horst	L. E. O'Neill memo Aug. 19, 1954	Aug. 19, 1954	Rock thrown through picture window.
67	William Graefe	Memo Aug. 23, 1954	do	Automobile hood dented by rock.
68	Marvin E. Birr	Aug. 21, 1954	Aug. 20, 1954	Brick thrown through picture window.
69	Emma Mertz	do	Aug. 21, 1954	2 rocks thrown through living-room window.
70	Ernest Belersdorf	do	do	Rock thrown through living-room window.
71	William Graefe	Memo Aug. 23, 1954	do	Red paint smeared on residential sidewalk.
72	Gerald Emley and Mrs. Emley	Aug. 21, 1954	do	Nonstriker, wife, and 14-year-old daughter assaulted in tavern by group of men and women; threatened, cursed, and beaten.
73	William Graefe	Memo Aug. 23, 1954	Aug. 22, 1954	Tops cut off 7 spruce trees in residential landscaping.
74	Earl Radke	Memo Aug. 26, 1954	Aug. 23, 1954	Roofing nails placed under automobile tires.
75	Walter Stubbe	Aug. 24, 1954	Aug. 24, 1954	Rocks thrown through window with such force broke panel of interior door and damaged plaster on far wall.
76	Frederick Brandt	Aug. 26, 1954	Aug. 26, 1954	Light bulb filled with yellow paint smashed against porch steps.
77	Martin Blok	Aug. 30, 1954	Aug. 28, 1954	Window shattered with rock.
78	James B. Sweeting	Aug. 31, 1954	Aug. 30, 1954	5 windows in house trailer broken by rock throwers.
79	Albert Diehlmann	Sept. 2, 1954	do	Window shattered by rocks, automobile dented by thrown rocks.
80	Harold Herber	Aug. 31, 1954	Aug. 31, 1954	Large thermopane window; 2 kitchen windows shattered by rocks.
81	Theodore Stein	Sept. 2, 1954	Sept. 1, 1954	Piece of broken cement hurled through thermopane window.
82	James Rickmeyer	Sept. 8, 1954	Sept. 3, 1954	2 tires punctured by roofing nails.
83	do	do	Sept. 4, 1954	Tire punctured.
84	Arthur Hedstrom	Sept. 7, 1954	Sept. 6, 1954	Cans of beer thrown at home.
85	Russell Messner	Sept. 28, 1954	do	Acid splashed on automobile.
86	Casmir Nighbor	Sept. 29, 1954	Sept. 7, 1954	Plate glass window of living room smashed.
87	Clark Weeden	Sept. 28, 1954	do	Barrage of rocks hurled at auto; breaking windows denting body.
88	Harold Fanslau	Sept. 13, 1954	Sept. 8, 1954	Victim's telephone line cut.
89	do	do	do	Nonstriker and wife assaulted, called foul names; nonstriker struck and knocked down.
90	Kenneth Holbrook	Sept. 14, 1954	do	Nonstriker physically assaulted; valve stems removed from automobile tires.
91	Gustave Stokelbusch	do	Sept. 13, 1954	Cornmeal and 2 pieces of quarter-inch pipe about 2 inches long put in oil pan of automobile.
92	Carl Yerkman	Sept. 14, 1954 (signed by Mrs. Fay Yerkman)	do	Rocks thrown through 5 windows of home, breaking 11 panes of glass, knocking plaster off dining room wall breaking floor lamp in living room.
93	Elmer Born	Sept. 15, 1954 (signed by Mrs. Mary Born)	Sept. 15, 1954	Rock hurled through living-room window.
				3 rocks thrown through living-room picture window; rock thrown through kitchen window; rock thrown at dining room window breaking screen molding.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
94	Lester Boeldt	Sept. 20, 1954	Sept. 17, 1954	Nonstriking employee ambushed by gang in tavern; called a scab and job stealer, cursed, beaten.
95	Ben Zantow and Mrs. Zantow	Sept. 17, 1954	do	5 rocks thrown through 2 picture windows, damaging walls and furnishings.
96	Gilbert Loersch	Sept. 18, 1954	do	Living-room picture window broken by rocks.
97	John Elssesser	Sept. 22, 1954	do	Nonstriking employee assaulted in tavern, stuck in face.
98	Gottlieb Ertel	Sept. 20, 1954	Sept. 18, 1954	Valve stem removed from tire.
99	Roy Williamson	Sept. 21, 1954	do	Valve stem ripped off tire.
100	Elden Slavens	Sept. 20, 1954	Sept. 19, 1954	Light bulb filled with red and black paint thrown at residence.
101	Carl Mertz	Sept. 22, 1954	do	Nonstriker cursed, physically assaulted.
102	Arlin E. Behlow	Sept. 28, 1954	Sept. 24, 1954	Damage to auto; wires to directional lighting, to radio, and to heater cut.
103	Carl M. Gabrielse	Sept. 29, 1954	Sept. 27, 1954	Cutting blade of corn chopper broken by steel rod tied to cornstalk; machine bolts tied to other cornstalks on farm owned by father of a Kohler Co. employee.
104	Frederick Kuehlman	do	do	Air let out of tires.
105	Betty Gosse	Sept. 30, 1954	Sept. 28, 1954	3 sets of corn-chopper knives broken by machine bolts tied to cornstalks on farm operated by husband of Kohler Co. employee.
106	Frederick Kuehlman	Sept. 29, 1954	do	Automobile tire slashed.
107	Orville Gilpin	Sept. 30, 1954	Sept. 30, 1954	Automobile body gouged.
108	Arthur Haefke	do	do	Do.
109	Norman Rietbrock	Oct. 1, 1954	do	Do.
110	John Elssesser	Oct. 4, 1954	do	2 nonstriking employees assaulted in tavern by gang; threatened, kicked in legs and kneed in groin.
111	Albert Bassler	Oct. 2, 1954	Oct. 1, 1954	Rocks hurled through 5 windows, damaging mirror and furniture.
112	Believe these are same incidents as referred to in 107-109.		Sept. 30, 1954	Nonstriking employee's automobile scraped and finish scratched as he drove through picket line.
113			do	Fender and door of nonstriking employee's automobile scraped and scratched as he drove through picket line.
114			do	Right rear fender of nonstriking employee's car scratched to the metal as he drove through picket line.
115	Joseph W. Sejba	Oct. 4, 1954	do	Finish on nonstriking employee's automobile gouged with sharp instrument as it was parked at his home.
116	Kenneth C. Kletzien	do	do	Tire on automobile of nonstriking employee punctured.
117	Charles Schumacher	Oct. 4, 1954 (Oct. 1, 1954 should be Sept. 24, 1954).	Oct. 1, 1954	Nonstriking employee reports 3 punctures, caused by 3/4-inch tacks; 1 tire and tube ruined.
118	Harvey Brendel	Oct. 5, 1954	do	Tire on automobile of nonstriking employee punctured by 3 roofing nails.
119	Arthur Margenau	Oct. 8, 1954	do	Tire on car of nonstriking employee punctured by 2 carpet tacks.
120	Believe this is same incident as referred to in 111.		do	Barrage of rocks broke 5 windowpanes in home of nonstriking employee; furniture in living and dining room damaged.
121	Roland Schultz	Oct. 13, 1954	Oct. 3, 1954	Tire on automobile of nonstriking employee slashed.
122	Arthur Margenau	Oct. 8, 1954	Oct. 4, 1954	Tire on car of nonstriking employee punctured by new carpet tack.
123	Elmer Margenau	do	do	Nonstriking employee reports 3 punctures caused by roofing nails.
124	Otto Vogt	Oct. 6, 1954	Oct. 6, 1954	Auto of nonstriking employee splashed with paint remover.
125	Earl Eernisse	Oct. 20, 1954	do	Dairy cow on farm operated by brother of nonstriking employee so horribly mutilated it had to be killed.
126	Betty Gosse	Oct. 8, 1954	Oct. 7, 1954	Corn chopper smashed by machine bolt tied to cornstalk on farm owned and operated by husband of nonstriking employee.
127	Elmer Margenau	Oct. 8 and 12, 1954	Oct. 7, 1954	Automobile of nonstriking employee splashed with varnish remover as he drove to work through picket line; finish ruined.
128	Edward Markgraf	Oct. 12, 1954	do	Finish blistered on auto of nonstriking employee, apparently caused by varnish remover splashed on car.
129	Gilbert Schirmer	Oct. 15, 1954	do	Tire on nonstriker's car damaged by roofing nail.
130	Vincent Fee	Oct. 11, 1954	Oct. 8, 1954	Windows in home of nonstriker smashed by rocks; table broken by the missiles.
131	William Graefe	Oct. 12, 1954	do	Entire left side of nonstriker's auto splashed with unknown liquid; finish spotted.
132	Jake Hopeman	Oct. 20, 1954	do	Dairy cow slashed on udder and body, apparently by razor blade; daughter of owner has friend who is nonstriking employee.
133	Kenneth Clark	Oct. 11, 1954	Oct. 9, 1954	Automobile splashed, finish blistered and chipped off.
134	Keith Grapentine	Oct. 12, 1954	do	Finish of nonstriker's auto blistered by liquid splashed on car.
135	Arthur Roehl	Oct. 13, 1954	do	Liquid splashed on auto of nonstriking employee ate away finish.
136	James Holsen	Oct. 14, 1954	do	Paint remover splashed on auto of nonstriking employee, damaging finish.
137	Edgar Boeldt	do	do	Nonstriking employee reports automobile window smashed while parked in his yard.
138	Edgar Boeldt	do	do	Human excrement smeared on dashboard, steering wheel, and front seat of automobile of nonstriking employee.
139	Leonard Gabrielse	Oct. 19, 1954	do	Damage done to corn chopper on nonstriker's farm when large bolt passed into chopper while corn was being cut.
140	William Schaefer	Oct. 11, 1954	Oct. 10, 1954	Entire left side of nonstriker's car squirted with liquid, apparently paint remover, which blistered finish.
141	Vernon Teboe	do	do	Nonstriking employee's auto splashed with liquid which spotted finish.
142	Lawrence Mullen	Oct. 13, 1954	do	Home of nonstriking employee contaminated by ether.
143	Arno Sauter	do	Oct. 11, 1954	Rock thrown at home of nonstriker missed window but struck with such force that plates on plate rail in dining room were dislodged and broken. Garage window smashed by rock which dented chrome on auto.
144	Arno Sauter	Oct. 12, 1954	do	Window of automobile parked near home of nonstriker smashed, apparently case of mistaken identity.
145	Elmer Margenau	do	do	Automobile of nonstriking employee splashed with acid while driving through picket line, finish spotted and pitted.
146	Carl Gebhart	Oct. 13, 1954	do	Automobile of nonstriking employee splashed with acid at plant gate.
147	Harvey Schuette	do	do	Automobile of nonstriking employee squirted with liquid, apparently varnish remover at plant driveway. When victim attempted to wipe away liquid, paint came off.
148	Peter Berhardt	do	do	Finish of automobile of nonstriking employee damaged by some liquid acid or paint remover when car was driven past pickets at northeast company gate.
149	Frederick Keseweder	do	do	Left side of automobile of nonstriking employee squirted with liquid which removed finish. Incident occurred at plant entranceway.
150	Gerald Butz	do	do	Right side of auto of nonstriking employee splashed with liquid which removed finish. Took place at company gate.
151	Roman Suttner	do	do	Acid or varnish remover sprayed on car of nonstriking employee as it entered company gate.
152	Gerhardt Otte	do	do	Entire right side of auto of nonstriking employee damaged by acid or paint remover as car passed through crowded picket line.
153	Albert Traute	do	do	Right side of auto of nonstriker damaged by acid at company gate.
154	Herbert Held	do	do	Automobile of nonstriker splashed with liquid which ate through the finish. Damage inflicted at company driveway.
155	Roland Schultz	do	do	Automobile of nonstriker splashed with substance which damaged finish. Car damaged at plant gate.
156	Elmer Grahl	do	Oct. 12, 1954	Light bulb filled with red paint thrown through window of nonstriking employee's home, damaging living-room furnishings.



Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
157	William Leonhardt	Oct. 14, 1954	Oct. 12, 1954	Auto of nonstriking employee splashed with liquid which spotted finish.
158	Hugo Sohre	do	do	Liquid splashed on auto of nonstriking employee, damaging finish.
159	George Henle	Oct. 13, 1954	do	Nonstriking employee's auto splashed with liquid which damaged finish.
160	Raymond Keller	do	do	Finish of auto owned by nonstriker damaged by acid or paint remover.
161	Theodore Hansmann	do	do	Nonstriker's auto spotted and pitted by liquid splashed on car.
162	Harold Lehmann	do	do	Nonstriker's car smeared with foreign substance which damaged finish.
163	Elmer Pantel	Oct. 15, 1954	do	Tacks hurled at auto of nonstriker driving through plant gates puncturing tire.
164	Willard Reinke	Oct. 16, 1954	do	Nonstriking employee's auto gouged and scratched.
165	Arthur Guenther	Oct. 14, 1954	Oct. 13, 1954	Tire on auto of nonstriking employee punctured by new carpet tacks.
166	Frederick Wegner	Oct. 16, 1954	do	Liquid squirted on auto of nonstriking employee, damaging finish of car.
167	Otto Vogt	Oct. 15, 1954	Oct. 15, 1954	Light-bulb "bomb" filled with liquid smashed against auto of nonstriking employee, damaging finish.
168	John Elsesser	do	do	Light-bulb "bomb" smashed against auto of nonstriker, damaging finish.
169	Gilbert Loersch	Oct. 16, 1954	do	2 windows in home of nonstriking employee smashed by rocks.
170	August Miller and Mrs. August Miller	do	do	Nonstriking employee and his wife assaulted, their tavern wrecked.
171	Roland Gilligan	Oct. 18, 1954	do	Porch screen and window at home of nonstriking employee smashed by rock.
172	Mrs. Harold Oonk	Oct. 22, 1954	Oct. 16, 1954	Home of brother of nonstriker spattered with can of paint with cover off and 3 or 4 holes punched in side. Storm and inside windows smashed and damage done to drapes, rugs, and furniture.
173	Harvey Roerdink	Oct. 18, 1954	do	Thermopane window at home of nonstriking employee smashed.
174	Leonard Gabrielse	Oct. 19, 1954	Oct. 18, 1954	2 arms of 1 knifehead and 1 arm of another knifehead on corn chopper ruined when striking hidden machine bolts while harvesting corn on nonstriker's farm. Remainder of field searched and 2 more bolts found tied to stalks with binder twine.
175	Justin Strace	Oct. 25, 1954	Oct. 23, 1954	Home of member of supervision at Kohler Co. spattered with 3 paint bombs.
176	Mrs. Anthony Kaker	Oct. 26, 1954	Oct. 25, 1954	Uniformed gateman at Kohler had home spattered with paint bombs.
177	Reuben Buboltz	Oct. 28, 1954	Oct. 26, 1954	10 windows in nonstriker's garage smashed by rocks.
178	Randall Courtright	Nov. 3, 1954	Oct. 30, 1954	Nonstriker's car scratched when entering plant.
179	Wilmer and Dorothy Mentink	do	Oct. 31, 1954	Shotgun blast riddled windows in home of nonstriker.
180	Herbert Krentz	Nov. 4, 1954	Nov. 2, 1954	Paint remover thrown against nonstriker's home.
181	Jerome P. Block	do	Nov. 3, 1954	4 paint bombs splattered against nonstriker's home, window broken, extensive damage to interior.
182	Arthur Burich	Nov. 24, 1954	Nov. 4, 1954	Slashed tire caused blowout on nonstriker's car as he drove to work.
184	Harold Curtiss	Nov. 16, 1954	Nov. 5, 1954	7 roofing nails picked up in tire of nonstriker's automobile.
185	Arno C. Kremin	Nov. 6, 1954	Nov. 6, 1954	2 paint bombs smashed against nonstriker's home.
186	Henry J. Matthias	do	do	2 paint bombs thrown at nonstriker's home.
187	Tom Rosandich	Nov. 15, 1954	do	Foreign element poured into gas tank of nonstriker's car, causing damage to bearings and rings.
188	George Sacher	Nov. 10, 1954	Nov. 10, 1954	Bricks hurled through living-room windows of nonstriker's home.
189	George Behring	Nov. 11, 1954	do	Flaming torch thrown onto porch of nonstriker's home.
190	Victor Thierfelder	Nov. 12, 1954	Nov. 12, 1954	Paint bomb smashed against window of nonstriker's home.
191	Ernest C. Voelker	Nov. 13, 1954	do	Paint bomb hurled against thermopane window and missile thrown through window, causing flying glass to hit nonstriker and wife.
192	Joseph Miller	do	do	Paint bomb smashed against nonstriker's home.
193	Ottomar Zelle	do	do	Home of nonstriker under construction target of paint bombs. Present residence also paint-bombed.
194	Jacob Den Boer	do	do	2 paint bombs hurled against window and porch of nonstriker's house.
195	Wilmer Mentink	Nov. 16, 1954	do	7 carpet tacks in tire on nonstriker's car caused flat. Tacks found scattered on road at entrance to company parking lot.
196	Harvey Walvoort	Nov. 15, 1954	Nov. 13, 1954	Heavy object hurled against side of nonstriker's car as he drove through plant gate.
197	Gilbert Nelson	Nov. 16, 1954	do	Object thrown against rear fender of nonstriker's automobile as he entered company parking lot. 2 long upholstery nails found in flat tire.
198	Keith Grapentine	do	do	Paint splashed on fender and door of nonstriker's automobile.
199	Theodore Stein	Nov. 15, 1954	do	House of nonstriker splattered with paint.
200	Earl Radke	Nov. 17, 1954	do	Nonstriker reported 8 flat tires caused by roofing nails and tacks over period of several weeks.
201	James A. Kretsch	Nov. 16, 1954	Nov. 14, 1954	Door of nonstriker's automobile scratched.
202	Harold Curtiss	do	Nov. 15, 1954	Roofing nails strewn in driveway of nonstriker with resultant flat tire.
203	Adolph Riehl	Nov. 17, 1954	do	Two tires on auto of nonstriking employee punctured by 5 upholstery tacks.
204	Max Wimmer	Nov. 16, 1954	do	2 glass jars hurled through windows of nonstriker's home.
205	Kenneth Baer	Nov. 18, 1954	do	Pointed piece of hardwood driven into tire of nonstriker's automobile causing flat tire.
206	John A. Olofson	Nov. 17, 1954	do	Automobile splashed with paint remover.
207	Wesley Williams	do	Nov. 16, 1954	Paint bomb shattered against nonstriker's automobile.
208	Clarence Zimmerman	Nov. 24, 1954	do	10 carpet tacks punctured 1 tire on nonstriker's car.
209	William Mueller	Dec. 3, 1954	Nov. 18, 1954	Solution poured into radiator of nonstriker's auto causing extensive damage.
210	Fred E. Hartmann	Jan. 3, 1955	Nov. 20, 1954	Tube and tire on nonstriker's car cut.
211	Wilbert E. Suhrke	Dec. 20, 1954 (no mention of foreign substance poured into crankcase).	Nov. 22, 1954	Foreign ingredient poured into crankcase of nonstriker's automobile necessitating replacement of engine. (See reference to Nos. 219 and 229 as reason for possible confusion in description. All 3 instances referred to in affidavit dated Dec. 20, 1954.)
212	Oscar Spieker	Nov. 24, 1954	do	Light bulbs filled with paint and with paint remover thrown against and into nonstriker's home; rugs, walls, and dinette splattered.
213	Mrs. Ole T. Pladson	Nov. 23, 1954	Nov. 23, 1954	3 paint bombs and rocks smashed against nonstriker's home; damage to living-room walls, rugs, floor, and furniture.
214	Edgar Barts	Dec. 2, 1954	do	Foreign substance poured into gas tank of nonstriker's auto.
215	Max Wimmer	Nov. 30, 1954	Nov. 26, 1954	Jar filled with paint thrown through kitchen window of nonstriker's home.
216	Earl Reynolds	Dec. 1, 1954	Nov. 28, 1954	Nail driven into tire on nonstriker's auto.
217	LeRoy T. Reiter	Nov. 30, 1954, memo Dec. 11, 1954	Nov. 29, 1954	Paint bombs hurled against windows of nonstriker's home.
218	Emil Knorr	Dec. 4, 1954	Dec. 1, 1954	Upholstery tacks punctured tire on nonstriker's auto.
219	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 2, 1954	Automobile engine of nonstriking employee sabotaged.
220	Phelix Blonien	Dec. 28, 1954	do	Tire of nonstriker's auto punctured by roofing nail.
221	Arno Sauter	do	do	Tire mutilated by upholstery tacks.
222	Emil Knorr	Dec. 4, 1954	Dec. 3, 1954	Tire on nonstriker's auto went flat in company parking lot after picking up roofing nail at plant gate.
223	Gilbert Schirmer	Dec. 8, 1954	do	2 tires on auto of nonstriker went flat after picking up roofing nails.
224	Thomas Knecht	Dec. 10, 1954	Dec. 4, 1954	Roofing nail punctured front tire of nonstriker's auto.
225	Harold Curtiss	Dec. 8, 1954	do	2 upholstery tacks picked up in tire of nonstriker's automobile as it was driven through southeast gate of company.
226	Louis Weber	Dec. 6, 1954	Dec. 5, 1954	Windows broken in home of nonstriker by pellets from an air gun.
227	Thomas Knecht	Dec. 12, 1954	Dec. 6, 1954	Tire on auto of nonstriker punctured by roofing nails.
228	LeRoy Wessel	Dec. 15, 1954	do	Tire on auto of nonstriker slashed.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
229	Wilbert E. Suhrke	Dec. 20, 1954	Dec. 7, 1954	Foreign piece of metal forced into engine of nonstriker's automobile; piston broken, camshaft sprung, connecting rods warped and hole blasted through head of engine; engine had to be replaced.
230	Joseph A. Miller	Dec. 9, 1954	do	Light bulbs filled with red paint smashed against nonstriker's home.
231	Gottlieb Hense	Dec. 8, 1954	do	Paint bombs thrown against home of nonstriker.
232	Russell Bawden	Dec. 9, 1954	do	Paint bombs smashed against auto of nonstriker.
233	Lloyd C. Thompson	Dec. 8, 1954	Dec. 8, 1954	Paint bombs smashed against nonstriker's automobile.
234	Emil Knorr	Dec. 24, 1954	Dec. 10, 1954	3 upholstery tacks and roofing nail caused flat on nonstriker's auto.
235	Arthur G. Bertz	do	Dec. 13, 1954	While nonstriker's car was stopped momentarily leaving the plant, picket smashed spotlight on car.
236	Daniel C. Murray	Dec. 28, 1954	Dec. 14, 1954	Tire on nonstriker's auto punctured by 2 tacks.
237	do	do	Dec. 15, 1954	2 tacks punctured tire on nonstriker's auto.
238	Alfred Kluge	Jan. 29, 1955	Dec. 17, 1954	Objects hurled at car of nonstriker as it entered plant, causing flat tire.
239	Emil Knorr	Dec. 21, 1954	do	Tire on nonstriker's car went flat on way to work. Left car on highway near union strike kitchen and walked to work. Garagemen called to repair tire reported distributor cap and rotor missing and wires from distributor pulled out.
240	Harold Curtiss	Dec. 18, 1954	do	Window broken on nonstriker's car as it was driven through south-east entrance to plant.
241	Hugo Rautmann	do	do	Object smashed against window of nonstriker's auto as it was passing through southeast gate at the plant.
242	Norman Glaser	Dec. 21, 1954	Dec. 18, 1954	3 large windows in chicken coop of nonstriker shattered by rocks.
243	Emil Knorr	do	Dec. 21, 1954	2 nails punctured tire on auto of nonstriker.
244	Frederick Kuehlmann	Dec. 24, 1954	do	Tire on nonstriker's auto slashed and punctured.
245	Harold Fanslau	do	Dec. 22, 1954	Liquid splashed on fender and door of nonstriker's car, finish blistered.
246	Gilbert Arnhoelter	do	do	Paint bombs thrown through windows of nonstriker's home splattered paint on carpet, walls, tables, furniture, Christmas presents.
247	Herbert Krentz	Dec. 27, 1954 (signed by Mrs. Della Krentz)	do	Missiles thrown against nonstriker's home, breaking windows.
248	do	do	Dec. 24, 1954	Screwnuts hurled through garage window of nonstriker.
249	Gilbert Moede	Dec. 27, 1954	Dec. 25, 1954	Cottage of nonstriker broken into and splashed with sulfuric acid, damaging furnishings; five boats, hunting decoys, fishing equipment, and outboard motors damaged.
250	Clifford Johnson	Jan. 18, 1955	do	Tenpenny nail driven into tire on nonstriker's auto; keyhole to trunk compartment jammed, preventing access to spare tire.
251	Marvin Leys	Dec. 29, 1954	Dec. 26, 1954	Spare tire of nonstriker slashed and a second tire punctured by roofing nail which had been ground to a sharp point.
252	William Bradford	Dec. 30, 1954	Dec. 29, 1954	Windshield shattered on auto of nonstriker.
253	Albert R. Maxey	Dec. 31, 1954	do	Paint bombs hurled against nonstriker's home, causing damage to tables, rug, chairs, and clothing.
254	Paul Koeppler	Dec. 30, 1954	do	2 paint bombs hurled against door of home of nonstriker.
255	Peter Breu	Dec. 31, 1954	do	Paint bomb hurled through window of nonstriker's home, splattering rug, chair, and davenport.
256	Mrs. Peter Breu	Dec. 30, 1954	do	Nonstriker's automobile window shattered by pellets from BB-gun.
257	Fred Melfert	Jan. 4, 1955	Dec. 30, 1954	1/4-inch steel ball hurled through window of auto of nonstriker.
258	Elwin Taubenheim	Jan. 3, 1955	do	Steel bearing shot through living-room window of home of nonstriker.
259	Wayne Kramer	do	do	Tire on nonstriker's automobile slashed.
260	Elmer Van Der Weele	Jan. 10, 1955	Dec. 31, 1954	Rock hurled through bedroom window of home of nonstriker.
261	John Lucynski	Jan. 4, 1955	Jan. 2, 1955	Window in home of nonstriking employee smashed by missile.
262	Elmer Marcheske	Jan. 31, 1955	do	Steel ball thrown through window of nonstriker's home.
263	Norman Prange	Jan. 4, 1955 and Jan. 5, 1955	Jan. 3, 1955	Large thermopane window in nonstriker's home smashed.
264	Otto Vogt	do	do	Tire on auto of nonstriker cut, causing flat.
265	Dwight Van de Walker	Jan. 10, 1955	do	Steel ball thrown through thermopane window of nonstriker's home.
266	William Graefe, Jr.	Jan. 7, 1955	do	Object thrown against window of nonstriker's auto as it was being driven into plant; window cracked.
267	Mrs. Harriet Roeder	Jan. 10, 1955	do	Large steel bearing shot through kitchen window of nonstriker's home.
268	John Roszak	Jan. 11, 1955	Jan. 4, 1955	Paint splattered on nonstriker's garage.
269	Clarence Herman	Jan. 12, 1955	do	Nails strewn in driveway of nonstriker's home.
270	Lester Boidt	Jan. 18, 1955	do	Trunk, door, fender, and top of nonstriker's car damaged by missiles as he drove by pickets on way to work.
271	Donald Gerlach	Jan. 5, 1955	Jan. 5, 1955	Tire on nonstriker's auto slashed.
272	Emmanuel Elssesser	Jan. 21, 1955	do	Object hurled against nonstriker's auto as it was being driven through company gate, large dent in right door.
273	Wilfred G. Tank	Jan. 10, 1955	Jan. 6, 1955	Paint bombs thrown through windows of nonstriker's home, damaging walls, drapes, rugs, furniture.
274	Walter Warnecke	Jan. 12, 1955	do	Tire on auto of nonstriker cut as car left plant.
275	Willard Johnston	Feb. 8, 1955	do	Metal slug fired against side of nonstriker's home.
276	Edward Markwardt	Jan. 24, 1955	Jan. 7, 1955	Tire on auto of nonstriker slashed.
277	Richard Arpke	Jan. 20, 1955	Jan. 8, 1955	Oil filter on nonstriker's car cut loose.
278	Mrs. Elaine Knause	Jan. 24, 1955	Jan. 10, 1955	2 tires on car of nonstriker punctured by roofing nails.
279	Henry O. Polster	Jan. 17, 1955	Jan. 12, 1955	2 roofing nails punctured tire on nonstriker's auto.
280	Neal M. Schraeder	do	do	Object hurled against nonstriker's house.
281	Edward Markwardt	Jan. 24, 1955	do	5 aluminum roofing nails caused flat tire on nonstriker's auto.
282	David H. Matthias	Jan. 21, 1955	do	Roofing nails punctured tire on auto of nonstriker.
283	Lloyd Wunsch	Jan. 18, 1955	Jan. 13, 1955	Fan belt cut in auto of nonstriker.
284	Merlyn Charles	Feb. 3, 1955	do	Nails punctured tire on auto of nonstriker.
285	Benedict J. Hansen	Jan. 19, 1955	Jan. 14, 1955	Over 100 roofing nails scattered in driveway of nonstriker.
286	Robert Schweitzer	do	Jan. 15, 1955	Missile shattered window of nonstriker's car as it entered road leading to northeast company gate.
287	Guenther Voss	Jan. 17, 1955	Jan. 17, 1955	2 tires punctured on nonstriker's auto by roofing nails.
288	Toby Gunderson	Jan. 1, 1955	Jan. 18, 1955	Rock hurled through living-room window of nonstriker's home.
289	Clarence J. Heinen	do	do	2 rocks and paint bomb thrown through window of nonstriker's home, damaging drapes, floor, ceiling, rug.
290	William Schraeder	do	do	2 light bulbs filled with purple dye hurled through window of nonstriker's home, damaging interior.
291	Betty Gosse	do	do	Roofing nails strewn in nonstriker's driveway.
292	David H. Matthias	Jan. 21, 1955	do	Tire on auto of nonstriker slashed.
293	Harold L. Hahn	Feb. 9, 1955	do	Greenish liquid splattered against living-room window of nonstriker's home.
294	Clarence J. Heinen	Jan. 19, 1955	Jan. 19, 1955	Roofing nails driven into tire of nonstriker's auto, causing flat.
295	Willard Johnston	Feb. 8, 1955	do	Air let out of tires on nonstriker's auto.
296	Lorraine Payne	Jan. 24, 1955	Jan. 20, 1955	Window of nonstriker's home smashed.
297	Anton Schmur	Jan. 21, 1955	do	Car window of nonstriker's auto shattered by steel bearings.
298	Elwin Taubenheim	Jan. 24, 1955	Jan. 21, 1955	Nonstriker's auto paint bombed.
299	Keith Grapentine	Jan. 25, 1955	do	Missile hurled through window of nonstriker's home.
300	Richard and Doris Kohlhaugen	Jan. 22, 1955	do	Tire on nonstriker's auto punctured by 3 nails.
301	Alfred Kluge	Jan. 28, 1955	Jan. 22, 1955	Nonstriker's auto parked in front of home stoned, damaged.
302	John Stockinger	Jan. 27, 1955	do	Metal ball fired at nonstriker's home.
303	Marvin J. Harder	Jan. 25, 1955	do	Windows in home of nonstriker smashed.
304	Harvey Erbsteosser	Jan. 27, 1955	do	75 gallons of oil drained from oil drum of nonstriking employee.
305	Kenneth Lavrenz	Jan. 29, 1955	do	Safety chain broken off and faucet forced on.
306	Gordon McChain	Feb. 3, 1955	do	Upholstery tacks driven into tire on nonstriker's auto.
307	Don Lee Koch	Feb. 2, 1955	do	Water poured into engine of nonstriker's automobile, causing extensive damage.
308	Mrs. Marie Eslinger	Feb. 4, 1955	do	Tire slashed on auto of nonstriker.



Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
308	Lester Schnricht	Jan. 28, 1955	Jan. 23, 1955	Auto of nonstriker tampered with, necessitating repairs.
309	Robert Hensel	Jan. 24, 1955	do	Paint bombs thrown against nonstriker's home.
310	Phillip Schlessman	Feb. 3, 1955	Jan. 24, 1955	Object hurled against car of nonstriker as it was driven through company gate, damaging finish.
311	Elmer Marcheske	Jan. 31, 1955	Jan. 25, 1955	Object hurled against side of nonstriker's auto, finish damaged.
312	Alfred Kluge	Jan. 28, 1955	do	Object hurled against nonstriker's car as it was driven by union soup kitchen, right fender damaged.
313	Eugene Stoeckigt	Feb. 3, 1955	do	Aluminum roofing nails scattered in front of nonstriker's home.
314	Harvey Erbstoesser	Jan. 27, 1955	Jan. 26, 1955	Lead ball hurled through window of nonstriker's home.
315	Gilbert Arnhoelter	Jan. 28, 1955	do	Lead slug fired through window of nonstriker's home, causing interior damage.
316	Gordon McChain	Feb. 3, 1955	Jan. 27, 1955	Tire on auto of nonstriker punctured by upholstery tacks.
317	John Lucynski	Jan. 28, 1955	do	Beer bottle hurled at window of nonstriker's home.
318	Gustave Stoeckbusch	Jan. 29, 1955	Jan. 29, 1955	Bottle hurled through dining-room window of nonstriker's home.
319	Frank Lindsay	Jan. 31, 1955	Jan. 30, 1955	Object hurled through side of nonstriker's garage.
320	Robert Helling, Jr.	Feb. 3, 1955	do	Flaming torch thrown at nonstriker's home.
321	Hilbert Dreps	Feb. 4, 1955	Jan. 31, 1955	About 75 roofing nails scattered in driveway of nonstriker.
322	Arlie Haupt	Feb. 3, 1955	do	Object hurled against car of nonstriker as it was entering plant gate.
323	Elmer Van Der Weele	Feb. 2, 1955	do	Door forcibly sprung on auto of nonstriker.
324	Robert Hoegger	Feb. 3, 1955	Feb. 1, 1955	Rock hurled through living-room window of nonstriker's home.
325	William Bersch, Sr.	Feb. 2, 1955	do	Window in home of nonstriker broken by pellets from BB gun.
326	Elmer Margenau	Feb. 4, 1955	Feb. 2, 1955	Lead slug hurled through window of nonstriker's auto.
327	Willard Johnston	Feb. 8, 1955	Feb. 4, 1955	Car of nonstriker kicked and rocked by pickets when it stopped while leaving the plant gate, fender dented.
328	Frank Holub	Feb. 7, 1955 (Feb. 3, 1955, should be Feb. 4, 1955).	do	Air let out of tires of nonstriker's car.
329	Randall Courtright, John Schleh, Lawrence Kurscheid.	Feb. 8, 1955	do	Window shattered in nonstriker's car when object was hurled against it as car was driven through picket line.
330	Mrs. Alfred Hartel	Statement Feb. 5, 1955	do	Paint bomb thrown against nonstriker's home.
331	Mrs. Alphonse Sharenbrock	Feb. 5, 1955	do	Paint bomb thrown on roof of home.
332	Raymond Albright	Statement Feb. 5, 1955	do	3 paint bombs hurled against home of nonstriking employee.
333	Francis Dehr	Feb. 9, 1955	do	Paint bombs smashed against nonstriker's home.
334	Frederick Herr	do	do	3 paint bombs hurled at nonstriker's home, window broken, interior damaged.
335	Edward Wesmer	Statement Feb. 5, 1955	do	3 paint bombs smashed against nonstriker's home.
336	Mrs. Fred Roseler	Statement Feb. 7, 1955	do	Paint bomb thrown on roof of nonstriker's home.
337	Mrs. Rita Lutzke	do	do	Paint bombs hurled against nonstriker's home.
338	Duane Giebel	Feb. 21, 1955	Feb. 5, 1955	Sand poured in crankcase of nonstriker's auto, ruining motor.
339	Harold L. Hahn	Feb. 9, 1955	Feb. 7, 1955	Tire of auto of nonstriker slashed.
340	Arthur Hedstrom	do	Feb. 8, 1955	Thermopane window in home of nonstriker broken.
341	Justin R. Strace	Feb. 10, 1955	do	Metal object hurled through thermopane window of home of nonstriker.
342	Anthony Kaker	do	do	Window in car of nonstriker smashed by missile.
343	John Lucynski	Feb. 5, 1955 (Feb. 9, 1955, should be Feb. 2, 1955).	Feb. 9, 1955	Lead slug hurled through glass block near front door of nonstriker's home.
344	Mrs. Maudie Hartmann	Feb. 11, 1955	do	Thermopane window in home of nonstriker smashed.
345	John Kohlshagen	Feb. 15, 1955	Feb. 10, 1955	Chunk of ice hurled through window of nonstriker's home.
346	Harvey Van Der Weele	do	Feb. 11, 1955	Metal slug hurled at window of nonstriker's home.
347	Elmer Van Der Weele	Feb. 25, 1955	do	Gears jammed on auto of nonstriking employee while parked in front of plant.
348	Max Wimmer	Feb. 15, 1955	Feb. 15, 1955	Nonstriker's garage broken into and car painted and scratched, Human excrement smeared on side of car.
349	Dwight Van de Walker	Feb. 18, 1955	do	Alcohol with sugar poured into gas tank of auto of nonstriker, burning out the engine.
350	Kenneth D. Theune	Feb. 25, 1955	Feb. 18, 1955	Tires and valve stems slashed on auto of nonstriker.
351	Dwight Van de Walker	do	do	Carburetor tampered with on auto of nonstriker.
352	Elmer Van der Weele	do	Feb. 21, 1955	Parts removed from nonstriker's automobile, battery sabotaged.
353	Mrs. Agnes Pearce	do	do	Foreign substance poured into gas tank of nonstriker's auto, corroding piston walls and coating them with gummy substance.
354	Norman Rautmann	Feb. 28, 1955	Feb. 22, 1955	Tire on car of nonstriker punctured when passing through picket line at plant entranceway.
355	Jack Burke	Correspondence from and to Burke	do	Tire ruined by roofing nails in driveway.
356	Junior F. Wagener	Feb. 25, 1955	Feb. 24, 1955	Nonstriker's car damaged after running over logs placed on curve of icy road.
357	Victor Sippel	Feb. 26 and 28, 1955	Feb. 25, 1955	Nonstriker's car dynamited, roof, fenders, and hood blown off, inside of car gutted, complete loss.
358	Lloyd G. Korb	Mar. 15, 1955	Feb. 28, 1955	Tire cut on nonstriker's auto.
359	Vincent Polster	Mar. 4, 1955	Mar. 1, 1955	Trunk on nonstriker's auto dented.
360	Henry Plantz	do	do	Nonstriker's car dynamited.
361	Raymond Dederig	Mar. 8, 1955	Mar. 3, 1955	4 roofing nails punctured tire on nonstriker's auto.
362	Phillip Lobes	Mar. 4, 1955	do	Rock hurled through windshield of nonstriker's auto.
363	Reuben Miller	Mar. 8, 1955	Mar. 6, 1955	Machine shed of nonstriker dynamited.
364	Charles J. Hein	do	Mar. 7, 1955	Paint chipped off door of nonstriker's auto.
365	Eugene Witkowski	Mar. 10, 1955	Mar. 10, 1955	Rocks hurled through windows of nonstriker's automobile.
366	Clarence Hildebrand	Mar. 30, 1955	Mar. 12, 1955	Paint bomb hurled against home of nonstriker.
367	LeRoy Reiter	Apr. 1, 1955	do	Tire slashed on nonstriker's auto.
368	Charles Noel, Jr.	Mar. 17, 1955	Mar. 13, 1955	Roofing nail punctured tire of nonstriker's auto.
369	Albert Traute	Mar. 15, 1955	Mar. 14, 1955	Piece of concrete hurled through Thermopane window of nonstriker's home.
370	Harry Froehlich	Mar. 17, 1955	Mar. 15, 1955	Paint bomb hurled at nonstriker's home.
371	James Holsen	do	do	Nonstriker's automobile dynamited while parked in front of home.
372	Alvin Suennicht	Mar. 21, 1955	do	Cranks and camshaft ruined and valve lifters burned out in auto of nonstriking employee necessitating replacement of motor.
373	James Elliott	Mar. 25, 1955	Mar. 19, 1955	Water hose cut and gasoline smashed in auto of nonstriker.
374	Samuel A. Murphy	do	Mar. 20, 1955	Rocks hurled through window of home of nonstriking employee.
375	Eleanor Knoblach	do	do	3 tires slashed beyond repair on auto of nonstriker.
376	LeRoy D. Wessel	do	do	Roofing nails scattered in the driveway of nonstriker.
377	Peter Schurrer	Mar. 23, 1955	Mar. 21, 1955	Tire on auto of nonstriker punctured by roofing nail driven into sidewall.
378	Bernard M. Daane	Mar. 25, 1955	do	2 shotgun blasts fired through Thermopane window of nonstriker's home smashing plaster on opposite wall.
379	Orville A. Glass	Mar. 24, 1955	Mar. 23, 1955	7 roofing nails lodged in tire of nonstriker.
380	Frederick Nack	Mar. 28, 1955	Mar. 24, 1955	3 pickets attacked nonstriker's car as it was going into plant. Window smashed and car dented.
381	Arlene Wunsch	Mar. 29, 1955	do	Roofing nails punctured tire on nonstriker's auto.
382	John Elsesser	do	Mar. 26, 1955	Dynamite thrown at nonstriker's automobile, falling short and blasting hole in pavement. Force of explosion smashed 5 windows in home. Wife of nonstriker suffered punctured eardrum.
383	Clarence Hildebrand	Mar. 30, 1955	do	Paint and tar smeared on nonstriker's car.
384	Eldon Voss	Mar. 31, 1955 (Mar. 28, 1955 should be Mar. 29, 1955).	Mar. 28, 1955	2 tires punctured on auto of nonstriker.
385	Leo Zorn	Apr. 1, 1955	do	Objects hurled against nonstriker's car as it was entering road to company parking lot, hood dented.
386	Eldon Voss	Mar. 31, 1955	Mar. 29, 1955	Tire slashed on nonstriker's auto. (Should be "punctured" not "slashed.")
387	John Stockinger	Apr. 1, 1955	Mar. 31, 1955	Rock hurled through window of nonstriker's home, playing children showered with flying glass.

Kohler Co. record pertaining to vandalism reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued

No.	Name	Affidavit date	Date of incident	Description
388	Marvin Hein	Apr. 4, 1955	Apr. 4, 1955	Yellow paint sprayed on left-hand side of car.
389	James Rickmeier	Apr. 6, 1955	do	Nonstriker's car damaged while parked in street.
390	Gilbert Charles	Apr. 5, 1955	do	Paint bomb hurled through window of nonstriking employee.
391	Irving L. Bawden	Apr. 13, 1955	Apr. 5, 1955	Car finish damaged by acid.
392	Fred Hammelman	Apr. 7, 1955	Apr. 6, 1955	2 paint bombs hurled at nonstriking employee's home and car.
393	Carl E. Siegel	do	do	Garage and auto of nonstriker splashed with paint.
394	Raymond G. Blanchard	Apr. 15, 1955	do	2 tires on nonstriker's auto punctured by roofing nails.
395	Harry Froehlich	Apr. 9, 1955	Apr. 8, 1955	Paint bomb thrown at nonstriker's home.
396	Plus E. Reinbold	Apr. 11, 1955	Apr. 9, 1955	Rock thrown through living room of home of nonstriker.
397	Eugene Roe	Apr. 12, 1955	Apr. 10, 1955	More than a pound of sand and clay placed in fuel tank of nonstriker's auto.
398	Vernon Hartman	do	do	Brick thrown through living-room window of home of nonstriker.
399	Fred Yurk	Apr. 20, 1955	Apr. 12, 1955	Dynamite exploded under car of nonstriker, causing extensive damage.
400	John Kraemer	Apr. 13, 1955	do	Jagged rock hurled through living-room window, hitting and injuring nonstriker.
401	Clarence Burich	Apr. 19, 1955	Apr. 18, 1955	Dynamite exploded under auto of nonstriker parked in front of his home; car a complete loss.
402	Elwin Taubenheim	Apr. 22, 1955	Apr. 21, 1955	Nonstriker's car dynamited.

Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955

No.	Name	Affidavit date	Date of incident	Description
1-A	Hugo Rautmann	June 25, 1954	Sometime during week of May 30	Word "scab" painted in red on sidewalk of home.
2-A	Robert Leuck	June 11, 1954	June 10, 1954	Cement forms for steps and sidewalk pulled out and strewn over lawn.
3-A	Andrew Kohlhaugen	Sheboygan press article, June 29, 1954	June 28, 1954	Red paint thrown on store of mayor of Sheboygan Falls.
4-A	Edward Gehrke	July 3, 1954	June 30, 1954	Stone hit house.
5-A	Marvin E. Birt	Aug. 19, 1953	Aug. 17, 1954	Car trunk scratched.
6-A	Roland James Gilligan	Oct. 18, 1954	Aug. 23, 1954	Garage windows broken by BB gun.
7-A	Kenneth Clark	Aug. 25, 1954	Aug. 24, 1954	Gravel thrown at car, northeast gate.
8-A	James Rickmeier	Aug. 27, 1954	do	Do.
9-A	Charles Schumacher	Aug. 31, 1954	Aug. 30, 1954	Paraffin torch thrown in car.
10-A	Gaylord Sohn	Jan. 11, 1955	Sept. 2, 1954	Rock wrapped in strike bulletin thrown at home.
11-A	Mrs. Arden Luker (affiant had apartment above Kohlhaugen's store)	Sept. 6, 1954	Sept. 6, 1954	Show window broken and appliances damaged in mayor of Sheboygan Falls' store.
12-A	Gilbert Schirmer	Oct. 15, 1954	Sept. 10, 1954	Flat tire, new roofing nail.
13-A	Casmir Nighbor	Sept. 29, 1954	Sept. 25, 1954	Beer glasses thrown at home.
14-A	Gloria Poth	Oct. 27, 1954	Oct. 1, 1954	Flat tire, southeast gate, 3/4-inch tacks.
15-A	John Kliejunas	Oct. 6, 1954	Oct. 3, 1954	Car scratched and cut.
16-A	Wilbert E. Suhre	Oct. 7, 1954	Oct. 4, 1954	Car dented by rock and window broken.
17-A	Franklin H. Graumann	Oct. 6, 1954	Oct. 6, 1954	Acid thrown on car at home.
18-A	James Holsen	Oct. 7, 1954	do	Do.
19-A	William Leonhard	do	do	Car sprayed with substance.
20-A	Arthur F. Margenau	Oct. 8, 1954	do	Do.
21-A	Willard Roszak	Oct. 6, 1954	do	Substance thrown on car.
22-A	Edward C. Gehrke	Oct. 7, 1954	Oct. 7, 1954	Home paint bombed.
23-A	Raymond F. Schneider	Oct. 8, 1954	do	Acid squirted on car of nonstriker's sister.
24-A	Renatus E. Erbe	Oct. 16, 1954	Oct. 11, 1954	Car splashed with acid.
25-A	Reuben Poppenhagen	Oct. 14, 1954	do	Nails in driveway to northeast gate.
26-A	Warren Williams	Oct. 15, 1954	do	Substance sprayed on car at home.
27-A	Howard Van Ess	Nov. 5, 1954	Oct. 12, 1954	Flat tires, northeast gate, roofing nail.
28-A	Reuben Buboltz	Oct. 28, 1954	Oct. 24, 1954	Flowers in flower boxes pulled out.
29-A	Elmer Margenau	Oct. 27, 1954	do	Tire slashed causing blowout.
30-A	Gloria Poth	do	Oct. 25, 1954	Substance thrown at car, southeast gate.
31-A	Arthur Milbrath	Oct. 28, 1954	Oct. 23, 1954	Paint thrown on car, 1/2 pint.
32-A	Fred E. Hartman	Jan. 3, 1955	do	Flat tire, northeast gate, upholstery tack.
33-A	Howard Van Ess	Nov. 5, 1954	Oct. 30, 1954	Flat tire, northeast gate.
34-A	Mike Brandt	Nov. 17, 1954	Nov. 10, 1954	Gravel thrown at car, northeast gate.
35-A	Millert Roerdink	Nov. 16, 1954	Nov. 13, 1954	Gravel thrown at car, southeast gate.
36-A	Robert R. Schaefer	do	do	Flat tire, southeast gate, tacks.
37-A	Michael Duffek	Nov. 18, 1954	Nov. 15, 1954	Flat tire.
38-A	Walter Matuszewski	Jan. 4, 1955	Week of Nov. 15, 1954	Flat tire, northeast gate, headless roofing nail.
39-A	Arthur Glaubig	Nov. 18, 1954	Nov. 16, 1954	Flat tire, roofing nails.
40-A	do	do	Nov. 17, 1954	Flat tires, upholstery tacks in driveway to southeast gate.
41-A	Leroy Wessel	Dec. 15, 1954	Nov. 19, 1954	Flat tire, upholstery tacks.
42-A	Earl Reynolds	Dec. 1, 1954	Nov. 27, 1954	Flat tire.
43-A	do	do	Nov. 28, 1954	Flat tire, finish nail.
44-A	do	do	Nov. 30, 1954	Do.
45-A	Phelix Blonien	Dec. 28, 1954	do	Flat tire, aluminum nail.
46-A	do	do	Dec. 4, 1954	133 roofing nails picked up by magnet on Kohler Co. truck at northeast gate.
48-A	Phillip Schlessmann	Dec. 17, 1954	Dec. 7, 1954	Flat tire, northeast gate, roofing nail.
49-A	Arno Sauter	Dec. 28, 1954	do	Flat tire, tack.
50-A	Reuben Poppenhagen	Dec. 8, 1954	do	128 roofing nails picked up by magnet on Kohler Co. truck at northeast gate.
51-A	Daniel C. Murray	Dec. 28, 1954	Dec. 9, 1954	Flat tire, tack and barb.
52-A	Leroy Wessel	Dec. 15, 1954	Dec. 10, 1954	Flat tire, nails.
53-A	Frederick Domke	Dec. 28, 1954	Dec. 11, 1954	Aluminum roofing nail in tire.
54-A	Norman J. Rautmann	Feb. 28, 1955	Dec. 15, 1954	Flat tire, roofing nail.
55-A	Arthur J. Hinks	Dec. 28, 1954	Dec. 19, 1954	Flat tire, northeast gate, roofing nail.
56-A	Fred Meifert	Jan. 4, 1955	Dec. 22, 1954	Flat tire, roofing nail.
57-A	Jerome Bersch	do	do	60 roofing nails found in driveway at home.
58-A	Willard Van Ouwerkerk	Dec. 31, 1954	Dec. 23, 1954	115 roofing nails found in driveway at home.
59-A	Clyde Roop	Dec. 28, 1954	Dec. 24, 1954	Bus window broken at southeast gate.
60-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 25, 1954	Flat tire, northeast gate, headless roofing nail.
61-A	Arthur J. Hinks	Dec. 28, 1954	do	Flat tire, northeast gate.
62-A	Herbert Krentz (signed by Mrs. Della Krentz)	Dec. 27, 1954	do	178 upholstery tacks found in driveway at home.
63-A	Dwight Van De Walker	Jan. 3, 1955	Dec. 28, 1954	Flat tire, northeast gate, headless roofing nail.
64-A	Jerome Bersch	Jan. 4, 1955	Dec. 29, 1954	68 roofing nails found on snow in driveway at home; more found as snow melted.
65-A	Dwight Van De Walker	Jan. 10, 1955	Dec. 31, 1954	Flat tire, northeast gate, headless roofing nail.
66-A	Gordon H. Mackle	Apr. 29, 1954	do	Flat tire, Kohler Co. parking lot.
67-A	Lester A. Boeldt	Jan. 18, 1955	Jan. 4, 1955	Flat tire, southeast and northeast gates, roofing nail.
68-A	Walter Heide	do	do	48 aluminum nails found in driveway at home.
69-A	Dwight Van De Walker	Jan. 10, 1955	do	Nail in tire, northeast gate, tire blowout causing car to turn over.
70-A	John Den Boer	Jan. 24, 1955	Jan. 5, 1955	Flat tire, northeast gate, roofing nail.
71-A	Gilbert W. Arnhoelter	Jan. 17, 1955	Jan. 6, 1955	Nails found in driveway at home.
72-A	Paul Jacobi and Joseph Born	Jan. 11, 1955 (p. 2, par. 6)	do	Rear view mirror of Peninsular Supply Co. truck broken by pickets as it was leaving Kohler Co. plant through main gate.



*Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued*

No.	Name	Affidavit date	Date of incident	Description
73-A	Walter Heide	Jan. 18, 1955	Jan. 7, 1955	Aluminum roofing nails found in driveway at home.
74-A	A. A. Stahl	Jan. 11, 1955	Jan. 8, 1955	Flat tire, northeast gate, roofing nail.
75-A	John Den Boer	Jan. 24, 1955	Jan. 11, 1955	Do.
76-A	Paul Groh	Jan. 19, 1955	Jan. 12, 1955	Flat tire, northeast gate, 2 roofing nails.
77-A	Toby Gunderson	do	do	Flat tire, hole in tire.
78-A	Earl D. Wiechman	Jan. 20, 1955	do	118 aluminum roofing nails found in driveway at home.
79-A	Norman J. Rautmann	Feb. 28, 1955	do	Flat tire, roofing nail.
80-A	George Schmitz	Jan. 18, 1955	Jan. 13, 1955	Flat tire, northeast gate, roofing nail.
81-A	John Stockinger	Jan. 27, 1955	Jan. 14, 1955	Flat tire, roofing nail.
82-A	John Den Boer	Jan. 24, 1955	Jan. 17, 1955	Do.
83-A	John Hraskey	Jan. 21, 1955	do	Do.
84-A	Willard Johnston	Feb. 8, 1955	do	Do.
85-A	Emmanuel Elssesser	Jan. 21, 1955	Jan. 18, 1955	Flat tire, northeast gate, 2 roofing nails.
86-A	Benedict J. Hansen	Jan. 19, 1955	do	Flat tire, aluminum roofing nail.
87-A	Willard Johnston	Feb. 8, 1955	do	Flat tire, roofing nail.
88-A	Phillip F. Schlessmann	Feb. 8, 1955	do	Do.
89-A	Willard Johnston	Feb. 8, 1955	Jan. 19, 1955	Do.
90-A	Gilbert Armhoelter	Jan. 24, 1955	Jan. 20, 1955	Flat tire, northeast gate, nail.
91-A	Hilbert Dreps	Feb. 4, 1955	do	Flat tire, roofing nails.
92-A	John D. Konz	Feb. 5, 1955	do	Flat tire, roofing nail.
93-A	Keith Grapentine	Jan. 25, 1955	Jan. 21, 1955	Roofing nail in tire, no damage.
94-A	Ronald O. Krepsky	do	do	Flat tire, roofing nail.
95-A	Elden Slavens	Feb. 3, 1955	do	Flat tire, aluminum nail.
96-A	Gilbert H. Schill	Feb. 2, 1955	Jan. 22, 1955	Flat tire, roofing nail.
97-A	Eugene A. Stoeckigt	Feb. 3, 1955	Jan. 24, 1955	Aluminum roofing nail in tire, causing flat.
98-A	Harold Hembel	Jan. 27, 1955	Jan. 25, 1955	Right rear fender of car damaged by object at southeast gate.
99-A	Rowland Bergemann	Feb. 5, 1955	Jan. 26, 1955	Flat tire, northeast gate, finishing nail and roofing nail.
100-A	Mrs. LaVerne E. Sonnemann	Feb. 2, 1955	do	Flat tire, roofing nail.
101-A	Harold J. Lemkuil	Feb. 7, 1955	Jan. 28, 1955	Flat tire, northeast gate, roofing nail.
102-A	Roman H. Schuessler	Feb. 1, 1955	do	Flat tire, northeast gate, nail.
103-A	Willard Johnston	Feb. 8, 1955	Jan. 30, 1955	Nails found in driveway at home.
104-A	Gordon F. McChain	Feb. 3, 1955	Jan. 31, 1955	Flat tire, nail.
105-A	Sylvester Schweitzer	do	do	Substance thrown at car, northeast gate.
106-A	John D. Konz	Feb. 5, 1955	Feb. 2, 1955	Flat tire, roofing nail.
107-A	Henry H. Tufts	do	do	Flat tire, northeast gate, roofing nails.
108-A	Harwood Slater	Feb. 10, 1955	Feb. 9, 1955	Roofing nails thrown in driveway at home.
109-A	Victor C. Nonnweiler	Feb. 14, 1955	Feb. 11, 1955	Flat tire, northeast gate, roofing nail.
110-A	Oliver Ter Maat	Feb. 16, 1955	do	Cast slug hurled at window of home.
111-A	John Stockinger	Feb. 23, 1955	Feb. 17, 1955	43 roofing nails found in driveway at home.
112-A	Walter E. Marquardt	Mar. 3, 1955	do	Flat tire, roofing nail.
113-A	Fred Kirkpatrick	Feb. 25, 1955	Feb. 19, 1955	Do.
114-A	Fred Kloppenburg	Feb. 28, 1955	Feb. 20, 1955	Flat tire, northeast gate, roofing nail.
115-A	William Hoegger	do	Feb. 21, 1955	Flat tire, southeast gate, roofing nail.
116-A	Charles Noel, Jr.	Mar. 5, 1955	Feb. 23, 1955	Flat tire, northeast or southeast gates, roofing nail.
117-A	Harold J. Fanslau	Mar. 8, 1955	Feb. 25, 1955	Flat tire, northeast gate, roofing nail.
118-A	Renatus E. Erbe	Mar. 5, 1955	Mar. 1, 1955	Do.
119-A	Gordon McChain	do	Mar. 2, 1955	Flat tire, southeast gate, roofing nail.
120-A	Charles J. Hein	Mar. 8, 1955	Mar. 5, 1955	Flat tire, upholstery tack.
121-A	Harold F. Roeder	Mar. 11, 1955	do	Flat tire, 3 roofing nails.
122-A	Selvin Marsho	Mar. 19, 1955	do	Flat tire, 2 nails.
123-A	Charles Noel, Jr.	Mar. 17, 1955	Mar. 8, 1955	Flat tire, roofing nail.
124-A	Ervin A. Schmitz	Mar. 15, 1955	do	Slashed tire.
125-A	Harold Curtiss	do	Mar. 10, 1955	Flat tire, southeast gate, headless tack.
126-A	John J. Horst	Mar. 22, 1955	do	Roofing nails found in driveway at home.
127-A	Harold Curtiss	Mar. 15, 1955	Mar. 14, 1955	Flat tire, southeast gate, roofing nail.
128-A	LeRoy D. Wessel	Mar. 26, 1955	Mar. 22, 1955	Flat tire, southeast gate, 3/4-inch nail.
129-A	Orville A. Gilpin	June 3, 1955	do	Flat tire, northeast gate, 3 roofing nails.
130-A	Cyril J. Wilberscheid	Apr. 4, 1955	Apr. 1, 1955	2 roofing nails in punctureproof tire; roofing nails found in driveway at home.
131-A	Norman Martin	Apr. 5, 1955	do	Flat tire, 1-inch nail.
132-A	Frederick Domke	Apr. 19, 1955	do	Flat tire, northeast gate, roofing nail.
133-A	Leslie Pike	July 8, 1955	Apr. 7, 1955	Aerial broken on car and fender skirts removed.
134-A	Adolph Riehl	Apr. 15, 1955	Apr. 9, 1955	Flat tire, southeast gate, oversize tack with 1/4-inch head.
135-A	Victor F. Balnaitis	Apr. 13, 1955	Apr. 11, 1955	Flat tire, oversize tack; 10 flats not reported.
136-A	Herman Grams	Apr. 14, 1955	do	Lead pellets hit house.
137-A	Frederick Domke	Apr. 19, 1955	Apr. 12, 1955	Flat tire, northeast gate, roofing nail.
138-A	Adolph Riehl	Apr. 15, 1955	Apr. 13, 1955	Flat tire, southeast gate, oversize tack with 1/4-inch head.
139-A	Arle Haupt	Apr. 15, 1955	do	4 1/2 pounds of roofing nails found in driveway at home.
140-A	Roman Steinbruecker	Apr. 15, 1955	Apr. 14, 1955	Flat tire, northeast gate, roofing nail.
141-A	Alvin Suemnicht	Apr. 19, 1955	do	Flat tire, 6-penny nails; 1/2 pound of 6-penny nails found in driveway at home.
142-A	Helmuth R. Zutz	Apr. 26, 1955	Apr. 21, 1955	Tire cut causing blowout.
143-A	Alfred W. Baumann	do	Apr. 24, 1955	Substance thrown on car.
144-A	Rowland Bergemann	May 2, 1955	Apr. 23, 1955	Tires cut by sharp instrument.
145-A	Chester A. Hermann	Apr. 23, 1955	do	Shingle nails found in driveway at home.
146-A	Gordon H. Mackle	Apr. 29, 1955	Apr. 25, 1955	25 nails found in driveway at home.
147-A	Albert Bassler	do	Apr. 26, 1955	Glass jar of bluish waxy substance thrown through window, damaging interior of home.
148-A	George A. Leonhardt	do	Apr. 27, 1955	Car scratched on city street.
149-A	Marvin R. Claus	Jan. 25, 1956	Sometime in March or April of 1955	Car shot at with slingshot at southeast gate.
150-A	Walter Born	May 2, 1955	May 2, 1955	Car windows smashed by pickets at southeast gate.
151-A	Arthur E. Fink	May 5, 1955	May 3, 1955	Flat tire, 2 roofing nails.
152-A	Otto Henning	May 10, 1955	May 7, 1955	Flowers, shrubs, and plants trampled on, cut and damaged.
153-A	Arthur Hertensteiner	May 20, 1955	May 9, 1955	Flat tire, nail driven into outside cleat of tire.
154-A	Robert W. Arndt	May 18, 1955	May 12, 1955	Flat tire, northeast gate, roofing nail.
155-A	George A. Leonhardt	May 17, 1955	May 13, 1955	Car scratched while parked in Sheboygan.
156-A	Murray Lindsay	do	do	Flat tire, southeast gate, chair glider nail.
157-A	Gilbert Schirmer	May 21, 1955	do	Tire cut.
158-A	Clement B. Schoenborn, Sr.	May 27, 1955	May 15, 1955	Flat tire, northeast gate, 2 nails.
159-A	do	do	May 16, 1955	Sand in motor of car.
160-A	Donald Gregoire	do	May 24, 1955	Substance (kerosene or distillate) in oil and on outside of motor of car.
161-A	Victor H. Scheele	June 3, 1955	May 25, 1955	Acid thrown on car.
162-A	Janet Henkel	June 2, 1955	May 27, 1955	Sugar in gas tank.
163-A	Orville A. Gilpin	June 3, 1955	June 1, 1955	Flat tire, 2 rusty nails.
164-A	Elmer Van Der Weele	June 8, 1955	June 4, 1955	Flat tire, circular driveway in front of main office, 6 new roofing nails driven into tire.
165-A	Harole E. Konkel	June 15, 1955	June 10, 1955	Horn taken from car; also part of battery holder.
166-A	do	do	June 13, 1955	Flat tire caused by hole in tire.
167-A	William Sidebotham	June 20, 1955	June 17, 1955	Tires cut (slit 6 to 8 inches long).
168-A	Richard Gries	July 1, 1955	June 19, 1955	Sun visor on car damaged by pickets at northeast gate.
169-A	Harold Gries	June 27, 1955	June 22, 1955	Car dented by pickets at southeast gate.
170-A	Norman Kurtz	June 28, 1955	June 26, 1955	Car dented by pickets at northeast gate.
171-A	William Meulbroeck	June 30, 1955	June 28, 1955	Living room windows in home broken by a half brick and a rock.
172-A	Marvin J. Harder	July 26, 1955	July 2, 1955	Sugar in gas tank of nonstriker's father-in-law's car.
173-A	John Elssesser	July 8, 1955, statement	July 5, 1955	Car window broken near clay dock area.
174-A	James Holsen	July 8, 1955	do	Windows smashed in home across from clay docks.
175-A	do	do	do	Car extensively damaged in front of home across from clay docks.

*Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued*

No.	Name	Affidavit date	Date of incident	Description
176-A	Paul Jacobi, Joseph Born, and Gerard A. Desmond.	July 6, 1955.	do.	Kohler Co. station wagon window smashed by pickets dunrig riot at clay dock.
177-A	Peter Butey.	July 28, 1955.	do.	Nonemployee contractor attempting to perform contract for Kohler Co. Damage to contractor's truck during riot at clay dock.
178-A	Leroy Wessel.	July 8, 1955.	do.	Car window broken and body of car scratched near clay docks.
179-A	Gilbert Charles.	July 7, 1955.	July 6, 1955.	Living room window in home broken by rock, size of golf ball.
180-A	Leslie Pike.	July 8, 1955.	do.	Substance thrown on car at northeast gate.
181-A	Lloyd A. Sargent.	do.	do.	Car dented by pickets at northeast gate.
182-A	Mrs. Dorothy Widder.	do.	do.	Car dented by bottle thrown by pickets.
183-A	Donald W. Zimmerman.	do.	do.	Window broken and antenna of car torn off by pickets at northeast gate.
184-A	Robert Hensel.	July 29, 1955.	July 9, 1955; July 11, 1955.	Home splattered with creosote; flowers, rose bushes, and lawn ruined by liquid substance (creosote).
185-A	Kenneth Perronne.	July 13, 1955.	July 9, 1955.	Car scratched and window smashed at picnic.
186-A	Marvin J. Harder.	Aug. 1, 1955.	July 10, 1955.	Dent in wood on house, probably caused by stone.
187-A	G. A. Desmond (statement re Carl Yerkman July 22, 1955).	do.	July 12, 1955.	Paint thrown on nonstriker's home.
188-A	Herbert E. Kreutzinger.	July 21, 1955.	July 14, 1955.	2 flat tires, southeast gate, roofing nails.
189-A	Frederick Brandt.	July 15, 1955.	July 15, 1955.	Home hit with paint brush.
190-A	John P. Molitor, Jr.	July 20, 1955.	July 16, 1955.	Acid splattered on car.
191-A	Wilmer Stokdyk.	Aug. 1, 1955.	do.	Asbestos siding of home broken by object.
192-A	Ernest C. Fischer.	July 21, 1955.	July 17, 1955.	Car aerial broken and strike stickers placed on windshield.
193-A	Richard Hoffmann.	Aug. 1, 1955.	July 18, 1955.	Car window shattered on city street.
194-A	Elmer Margenau.	July 23, 1955.	July 21, 1955.	Large rock thrown at car, chipping paint.
195-A	Olga Stopinski.	July 26, 1955.	do.	Spark plugs removed from car.
196-A	Mayme Fahl.	July 25, 1955.	July 22, 1955.	Car window shattered at tavern.
197-A	Wilmer Stokdyk.	Aug. 1, 1955.	July 23, 1955.	Stone thrown through porch screen and hole in siding of house.
198-A	Mrs. Orlando Olsen.	July 29, 1955.	July 25, 1955.	Distributor wires tampered with.
199-A	Marvin J. Harder.	Aug. 1, 1955.	July 28, 1955.	Dent in edge of window casing of home caused by lead slug.
200-A	Mrs. LaVerne Sonnemann.	Aug. 1, 1955.	do.	Sand in oil of car.
201-A	Casimir J. Nighor.	Aug. 1, 1955.	July 29, 1955.	Flat tire.
202-A	Dwight Van De Walker.	Aug. 4, 1955.	do.	Flat tire, 2 roofing nails.
203-A	Norbert Klapperich.	Aug. 4, 1955.	Aug. 1, 1955.	Oil drained out of car transmission.
204-A	Dwight Van De Walker.	Aug. 4, 1955.	Aug. 2, 1955.	Flat tire, northeast gate, 2 finishing nails, 1 inch long.
205-A	Donald R. Schilling.	Aug. 9, 1955.	Aug. 5, 1955.	Car body dented as object hit car in front of home across the street from northeast gate.
206-A	John Elssesser.	Aug. 12, 1955.	Aug. 9, 1955.	Bedroom window of home broken by ball bearing.
207-A	Norman Howe.	Aug. 17, 1955.	do.	Store window broken in employee's store.
208-A	Oliver Ter Maat.	Aug. 10, 1955.	do.	Window in home broken by stone.
209-A	Harold A. Leflin.	Aug. 17, 1955.	Aug. 12, 1955.	Pottery urn in yard smashed.
210-A	Victor W. Thierfelder.	do.	do.	Nail in tractor tire.
211-A	G. A. Desmond (memo, Aug. 18, 1955, re Joseph Schinabeck).	do.	Aug. 13, 1955.	Home of Scheffler driver hauling Kohler products paint bombed.
212-A	Peter Schurrer.	Sept. 20, 1955.	do.	Exhaust on car filled with rags causing air cleaner and muffler to blow apart; lock on car door jimmied.
213-A	William R. Zimmermann.	Aug. 17, 1955.	Aug. 14, 1955.	Cement blocks knocked out of new home under construction.
214-A	Vernon P. Hartman.	Aug. 16, 1955.	do.	Thermopane window in home broken by marble.
215-A	Lu Giefer.	Sept. 15, 1955.	Aug. 15, 1955.	Living room window in home broken.
216-A	Arthur Butzen.	Statement, Aug. 23, 1955.	Aug. 16, 1955.	Scheffler truckdriver hauling Kohler products believes he was shot at.
217-A	Frederick A. Mueller.	Statement, Aug. 20, 1955.	do.	Do.
218-A	Henry Otte.	Aug. 19, 1955.	Aug. 17, 1955.	Jars of paint hit home of nonstriker, damaging interior.
219-A	L. E. O'Neill, memo, Sept. 29, 1955 (re Matt Hauch, Mrs. Matt Hauch).	Statement, Sept. 29, 1955.	Aug. 19, 1955.	Sugar in gas tank of jeep belonging to father of former employee.
220-A	Vernon P. Hartman.	Aug. 30, 1955.	Aug. 23, 1955.	Thermopane window in home broken by brick.
221-A	Donald C. Pickruhn.	do.	Aug. 25, 1955.	Sugar in oil pan; motor in car damaged.
222-A	Herbert C. Held.	Sept. 1, 1955.	Aug. 29, 1955.	Nonstriker's home splattered with paint.
223-A	William Gier.	do.	Aug. 30, 1955.	Thermopane window in home broken by steel ball.
224-A	Rita A. Lutzke.	Statement, Sept. 6, 1955.	Sept. 1, 1955.	Damage to husband's excavating equipment.
225-A	Donald Becker (Sept. 15, 1955, analysis by chemists).	Sept. 8, 1955.	Sept. 4, 1955.	Motor in car damaged by foreign substance.
226-A	Selmer Spitzer.	Sept. 16, 1955.	Sept. 7, 1955.	Car dented at southeast gate.
227-A	do.	do.	Sept. 8, 1955.	Cart dented and scratched by pickets at southeast gate.
228-A	Harry Steffes.	Oct. 11, 1955.	Sept. 9, 1955.	Corn chopper damaged by unknown object.
229-A	Elmer A. Temme.	Nov. 2, 1955.	Sept. 18, 1955.	Car window cracked, northeast gate.
230-A	William Diehlman.	Jan. 27, 1956.	Sept. 19, 1955.	Flat tire, roofing nail.
231-A	Henry Richter, Jr.	Sept. 26, 1955.	Sept. 20, 1955.	Grass fire started on employee's farm.
232-A	Emil F. Knorr.	Sept. 27, 1955.	Sept. 21, 1955.	Flat tire, southeast gate, roofing nail.
233-A	Heinz O. Haase.	Sept. 26, 1955.	Sept. 22, 1955.	2 flat tires, southeast gate, roofing nails.
234-A	Kenneth R. Cook.	Oct. 11, 1955.	do.	Word "scab" printed on landlord's fresh cement porch.
235-A	George Krizesesky.	do.	Sept. 24, 1955.	Car smeared with paint.
236-A	Norman Jaekels.	do.	Sept. 25, 1955.	Flat tires, southeast gate, roofing nails.
237-A	Millard J. Graf.	Sept. 27, 1955.	Sept. 26, 1955.	Pickets broke car window at northeast gate.
238-A	Norman Jaekels.	Oct. 11, 1955.	do.	Flat tire, southeast gate.
239-A	Henry J. Franzen.	Oct. 17, 1955.	Oct. 1, 1955.	Car tires cut (3- to 4-inch cut).
240-A	Pius Reinhold.	Oct. 4, 1955.	Oct. 2, 1955.	Thermopane window in home broken by piece of concrete, size of grapefruit.
241-A	George Zasada.	Statement Oct. 5, 1955.	Oct. 4, 1955.	Windows and interior of home damaged by paint bombs; wife injured by flying glass.
242-A	Margaret C. Savinski.	Oct. 7, 1955.	Oct. 7, 1955.	Car window broken by pickets at southeast gate.
243-A	Donald Miller.	Oct. 24, 1955.	Oct. 8, 1955.	Water and sugar syrup in gas; car motor damaged. (Nov. 10, 1955, chemical analysis.)
244-A	John Yancey.	Oct. 15, 1955.	Oct. 11, 1955.	Nails in tire after passing through southeast gate.
245-A	do.	do.	Oct. 13, 1955.	Do.
246-A	Elden Slavens.	Oct. 20, 1955.	Oct. 15, 1955.	Slug imbedded in window sash of home.
247-A	Vyra Wentz.	do.	Oct. 16, 1955.	Sugar in gas tank of car.
248-A	Kenneth H. Hecker.	Nov. 1, 1955.	Oct. 17, 1955.	Flat tire, southeast gate, roofing nails.
249-A	Clarence E. Miller.	Oct. 25, 1955.	do.	Sugar in gas tank of car; motor damaged.
250-A	Harold F. Roeder.	Nov. 2, 1955.	Oct. 18, 1955.	Flat tire, southeast gate, roofing nail.
251-A	Kenneth H. Hecker.	Nov. 1, 1955.	Oct. 19, 1955.	Flat tire, southeast gate, 2 roofing nails.
252-A	Harold F. Roeder.	Nov. 2, 1955.	do.	3 flat tires, southeast gate, roofing nails.
253-A	Carl Kummer.	Oct. 24, 1955.	do.	Deep scratches on body of car.
254-A	Emil F. Knorr.	do.	do.	Flat tire, southeast gate, roofing nail.
255-A	William G. Schaefer.	Oct. 25, 1955.	do.	Flat tire after passing through southeast gate, roofing nails.
256-A	Frederick Schilling.	Oct. 26, 1955.	do.	Flat tires after passing through southeast gate, roofing nails.
257-A	Walter Warnecke.	Oct. 24, 1955.	Oct. 21, 1955.	Word "scab" painted on front door of nonstriker's home.
258-A	John Kraemer.	Nov. 3, 1955.	Oct. 26, 1955.	Bedroom window and storm window of home broken by steel ball bearing.
259-A	Kenneth H. Hecker.	Nov. 1, 1955.	Oct. 29, 1955.	Flat tire, roofing nails.
260-A	Melvin Helling.	Nov. 3, 1955.	Oct. 30, 1955.	Nails found in driveway; has had many flat tires.
261-A	do.	do.	Oct. 31, 1955.	Substance like ink splattered over front porch, steps, and siding of father's house.
262-A	Frank Plocar.	Nov. 7, 1955.	Nov. 3, 1955.	Thermopane window in home broken by rocks.
263-A	Mrs. Frances Baar.	Nov. 10, 1955.	Nov. 4, 1955.	4-inch welding iron in tire.
264-A	Albert Bassler.	Nov. 7, 1955.	do.	Bedroom window and storm window of home broken by rock.
265-A	Donald R. Kroening.	Nov. 10, 1955.	do.	Tires cut (1-inch long cut).
266-A	Walter Ramming.	do.	do.	Thermopane window broken by stone and pop bottle.
267-A	Adolph Riehl.	Nov. 16, 1955.	do.	Flat tire, southeast gate, roofing nail.



*Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954, Nov. 3, 1954, Apr. 27, 1955—Continued*

No.	Name	Affidavit date	Date of incident	Description
268-A	Harold L. Seibold	Nov. 10, 1955	Nov. 4, 1955	Farm machinery at father's store damaged.
269-A	Justin Strace	Nov. 7, 1955	do	Thermopane window in home broken by ball bearing.
270-A	Gilbert Charles	Nov. 18, 1955	Nov. 5, 1955	Flat tire, upholstery tack.
271-A	Richard Fink	Nov. 10, 1955	do	Sugar in motor of car; motor ruined.
272-A	Mrs. Gloria Jean Krening	do	Nov. 8, 1955	3 milk bottles thrown against front of house.
273-A	Anthony F. Kaker	Nov. 25, 1955	Nov. 9, 1955	Window and storm window in home broken by steel ball bearing.
274-A	Adolph Riehl	Nov. 16, 1955	Nov. 11, 1955	Flat tire, southeast gate, roofing nail.
275-A	Gilbert Charles	Nov. 18, 1955	Nov. 14, 1955	Paint in glass container thrown through windows of home, damaging interior.
276-A	Walter H. Soumes	Nov. 15, 1955	Nov. 15, 1955	Flat tire, southeast gate, roofing nail.
277-A	Norman Howe	Nov. 28, 1955	Nov. 16, 1955	Employee's store windows broken by steel ball bearing.
278-A	Henry H. Tufts	Nov. 23, 1955	do	Flat tire, southeast gate, roofing nail.
279-A	George A. Klemp	Dec. 12, 1955	Nov. 18, 1955	2-inch cut in tread of tire.
280-A	Gordon McChain	do	Nov. 19, 1955	2 flat tires, northeast gate, roofing nails.
281-A	Roman H. Schuessler	Nov. 22, 1955	do	2 flat tires, southeast gate, spike.
282-A	Phillip Saunders	Dec. 1, 1955	Nov. 23, 1955	Sugar in gas, damages to motor of car.
283-A	Willard G. Roethel	Nov. 30, 1955	Nov. 25, 1955	Tire cut.
284-A	Gordon McChain	Dec. 12, 1955	Nov. 28, 1955	Flat tire, northeast gate, roofing nail.
285-A	Walter H. Soumis	do	Nov. 29, 1955	2-inch roofing nail driven into sidewall of tire.
286-A	John Kraemer	do	Nov. 30, 1955	2 holes, size of lead pencil, in living room storm window.
287-A	Waldemar Gregor	do	Nov. 30, 1955	Window of car shattered in front of strike soup kitchen.
288-A	Melvin J. Van Der Weele	Dec. 22, 1955	Dec. 3, 1955	Flat tire, southeast gate, roofing nail.
289-A	do	do	Dec. 7, 1955	2 flat tires, northeast gate, nails.
290-A	Harold Curtiss	Dec. 12, 1955	Dec. 8, 1955	Large surface of thermopane window in home pitted by metal pellets; 16 small holes in dining room storm window.
291-A	David J. Schroeder	Dec. 16, 1955	Dec. 10, 1955	Ignition and wiring torn out of car, aerial torn off, air let out of tires.
292-A	Thomas Wagner	Dec. 19, 1955	Dec. 13, 1955	Home of nonstriker shot at; lead pellets imbedded in front storm door and porch post.
293-A	Henry Tufts	do	Dec. 16, 1955	Car window shattered, southeast gate.
294-A	Harry Steffes	Dec. 30, 1955	Dec. 17, 1955	Foreign substance in oil; car motor ruined.
295-A	Raymond S. Kelmar	do	Dec. 22, 1955	Hole about size of bullet in car window.
296-A	LeRoy Taylor	Dec. 29, 1955	do	Scheffler truck damaged (common carrier loaded with Kohler Co. products). Tires blew out on return trip.
297-A	John Elssesser	Dec. 30, 1955	Dec. 23, 1955	Paint jar hurled through windows of nonstriker's home, damaging interior.
298-A	Ervin A. Schmitz	Jan. 4, 1956	Dec. 24, 1955	Oil drained out of crankcase of car.
299-A	Dwight R. Van De Walker	do	Dec. 28, 1955	Car fender dented by pickets at southeast gate.
300-A	Marvin E. Johanning	Dec. 29, 1955	do	Kohler Co. coal truck windows shattered by strikers.
301-A	Armin F. Neuhaus	Jan. 4, 1956	Dec. 29, 1955	Flat tire, northeast gate, roofing nail.
302-A	Marvin J. Harder	do	Dec. 31, 1955	Car windows shattered.
303-A	Vernon Hartman	Jan. 5, 1956	Jan. 3, 1956	Window and storm window in home broken by a half brick; damage to interior of home.
304-A	Kenneth Kerber	Jan. 11, 1956	do	2 flat tires, southeast gate, roofing nails.
305-A	Harold Brandt	Jan. 5, 1956	Jan. 4, 1956	Car windows broken and car body dented.
306-A	Charles Hein	do	do	Car window shattered at home.
307-A	Robert Anderson	Jan. 18, 1956	Jan. 7, 1956	Car window cracked at southeast gate.
308-A	Leo Behrens	Jan. 11, 1956	do	Thermopane window in home broken by rock, damaging interior.
309-A	G. A. Desmond (memo Jan. 7, 1956, re: Claude Dault).	do	do	Thermopane window in home broken by large rock.
310-A	John Kraemer	Jan. 14, 1956	Jan. 9, 1956	Asbestos shingle on house broken by steel ball.
311-A	Raymond Phippen	Jan. 18, 1956	do	Porch window in home broken by marbles.
312-A	Gilbert Charles	Jan. 11, 1956	Jan. 10, 1956	Living room window and storm window in home broken by steel ball.
313-A	Herbert Held	Jan. 20, 1956	Jan. 12, 1956	Thermopane window and sun porch window in home broken by rocks, damaging interior.
314-A	Raymond Phippen	Jan. 18, 1956	do	3 windows and storm windows in home broken by rocks the size of grapefruits.
315-A	Oliver Ter Maat	Jan. 16, 1956	Jan. 13, 1956	Living room window in home broken by half a brick.
316-A	Lloyd Thompson	Jan. 14, 1956	do	Car windows and headlights smashed while car was parked in front of home.
317-A	Phillip Schneider	Jan. 18, 1956	Jan. 15, 1956, and Jan. 16, 1956	Employee's pigs poisoned, 1 dead; 3 additional pigs dead from poison.
318-A	Francis J. Drollinger	do	Jan. 17, 1956	Car window cracked at southeast gate.
319-A	Reuben Poppenhagen	Jan. 25, 1956	Jan. 18, 1956	Window of Kohler Co. truck broken by pickets at northeast gate.
320-A	Wesley Williams	Jan. 23, 1956	Jan. 19, 1956	Car fender dented at home.
321-A	Delano Dohr	Jan. 25, 1956	Jan. 21, 1956	Car scratched.
322-A	Albert Miesner	Jan. 26, 1956	do	Car dented right side, northeast gate.
323-A	Armin Neuhaus	Jan. 27, 1956	do	Grease smeared on car and chrome strip bent by pickets at northeast gate.
324-A	Edwin Doersch	do	Jan. 23, 1956	2 flat tires, northeast gate, roofing nails.
325-A	Norbert G. Felsner	Jan. 25, 1956	do	Flat tire, northeast gate, roofing nail.
326-A	Edward Markwardt	do	do	Windows of nonstriker's home shot at and damaged.
327-A	Alice B. Schwardt	Jan. 27, 1956	Jan. 24, 1956	Flat tire, 3 roofing nails, northeast gate.
328-A	Melroy Stiebs (Mayme Fabl, memo, June 11, 1956, to G. A. Desmond).	Jan. 31, 1956	do	Sugar in motor of car.
329-A	William Diehlman	Jan. 27, 1956	Jan. 25, 1956	Flat tire, roofing nail.
330-A	Leland Stokdyk	do	do	Flat tire, 2-inch roofing nail.
331-A	Robert E. Woods	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
332-A	Albert Bassler	Jan. 31, 1956	Jan. 27, 1956	Dining room window and storm window in home broken by slug.
333-A	G. A. Desmond (memo 1-31-56 re: Ben Zantow).	do	do	Deep dent in porch pillar of home caused by lead slug.
334-A	William Gier	Feb. 7, 1956	do	Thermopane window in home broken by 2 ball bearings.
335-A	William Knocke	Jan. 31, 1956	do	Thermopane window in home broken by ball bearing.
336-A	Leonard Kujawa	Feb. 2, 1956	do	Flat tire.
337-A	Frank Lindsay	Feb. 1, 1956	do	Flat tire, northeast gate, roofing nail.
338-A	Willard Clevers	do	Jan. 28, 1956	Car scratched and aerial damaged while car was parked at home.
339-A	Edgar J. Conrad	Jan. 31, 1956	do	Car window shattered and body scratched and dented at northeast gate.
340-A	Jacob Den Boer	do	do	Living room window and storm window in home broken by steel ball bearing.
341-A	Daniel Murray	do	do	Bedroom window in home broken by steel pellet.
342-A	John Roszak	do	do	Side of house dented by ball bearing.
343-A	Joseph Born	do	Jan. 29, 1956	Dent in house between front door and window by lead pellet.
344-A	Elroy Biederwolf	Feb. 1, 1956	Jan. 30, 1956	Thermopane window in home broken by bearing the size of a soft ball.
345-A	Edward Gehrke	Jan. 31, 1956	do	3 thermopane windows in home and 3 garage windows broken by rocks the size of coconuts.
346-A	Herbert C. Held	do	do	Porch window and storm window broken by slug.
347-A	Bert Sanville	do	do	Thermopane window and side window in home broken by rocks.
348-A	do	do	do	Every window in car smashed while parked at home.
349-A	Alan Meyer	Feb. 2, 1956	Jan. 31, 1956	Spark plugs, headlight, and horn wires on car removed.
350-A	Howard J. Leverenz	Feb. 3, 1956	Feb. 2, 1956	Car window shattered, southeast gate.
351-A	Mrs. Joanne V. Post	Feb. 6, 1956	do	Car window broken and fire in front seat while car was parked in a Sheboygan parking lot.
352-A	Harry Froehlich	Feb. 7, 1956	Feb. 3, 1956	Car windows knocked out while car was parked on a Sheboygan street.
353-A	Oscar H. Hildebrandt	Feb. 8, 1956	do	Flat tire, northeast gate, roofing nail.

*Kohler Co. record of vandalism in addition to those reported in the following issues of People: Oct. 6, 1954. Nov. 3, 1954, Apr. 27, 1955—Continued*

No.	Name	Affidavit date	Date of incident	Description
354-A	Roger Hanson	Feb. 10, 1956	Feb. 4, 1956	Car door and fender dented, northeast gate.
355-A	Carl Hesselink	Feb. 8, 1956	do	Car window shattered, northeast gate.
356-A	Carl Zillier, Jr.	Feb. 10, 1956	do	Lug nut thrown at car, northeast gate.
357-A	Raymond Schneider	Feb. 8, 1956	Feb. 5, 1956	Flat tire, roofing nail.
358-A	Emery A. Lau	Feb. 16, 1956	Feb. 8, 1956	Flat tire, new roofing nail.
359-A	Roman Andrew	Feb. 15, 1956	Feb. 11, 1956	Car window shattered, southeast gate.
360-A	Harry P. Czarniecki	Feb. 17, 1956	do	Car window shattered, northeast gate.
361-A	Edwin L. Fisher	Feb. 21, 1956	do	Flat tire, northeast gate, roofing nail.
362-A	Claude Dault	Feb. 17, 1956	Feb. 14, 1956	Thermopane window in home broken.
363-A	Bernal E. Lang	Feb. 20, 1956	do	Do.
364-A	Walter Landwehr	do	do	Hole 1 inch in diameter in outer pane of thermopane window in home.
365-A	Herbert E. Krutzinger	Feb. 17, 1956	Feb. 15, 1956	3 tires cut on sidewalk.
366-A	Harvey Van Der Weele	do	Feb. 16, 1956	Car window shattered, southeast gate.
367-A	Wayne R. Woelfer	do	do	Do.
368-A	Andrew L. Korb	Feb. 21, 1956	Feb. 17, 1956	Sugar in gas tank of car.
369-A	Donald R. Schilling	Feb. 24, 1956	Feb. 21, 1956	7 nails pulled out of tires; 2 tires went flat; handful of roofing nails found in driveway.
370-A	Howard J. Voelker	Feb. 28, 1956	Feb. 22, 1956	Sand in transmission of car.
371-A	Ambrose O'Reilly	Feb. 29, 1956	Feb. 24, 1956	Flat tire, piece of metal.
372-A	Herbert C. Held	Mar. 2, 1956	Feb. 26, 1956	Oil filter tube in car damaged, causing loss of motor oil.
373-A	Elmer C. Hermann	Feb. 29, 1956	Feb. 27, 1956	Paint splattered on car.
374-A	Bernal E. Lang	Mar. 3, 1956	Feb. 29, 1956	Combination television, radio, and record player smashed in home.
375-A	Warren D. Freder	do	do	Jars of paint thrown through window of nonstriker's home, damaging interior and exterior.
376-A	William Schroeder	do	do	5 jars of paint thrown against thermopane window of nonstriker's home.
377-A	Mrs. Margaret A. Ten Pas	do	do	Living room window and storm window of home broken by stone.
378-A	Marvin R. Claus	do	Mar. 1, 1956	Jars of paint thrown against nonstriker's home.
379-A	Clarence A. Reineking	Mar. 7, 1956	Mar. 3, 1956	Paint on hood of car.
380-A	Robert L. Schroeder	do	do	Car scratched and aerial damaged.
381-A	Justin Strace	Mar. 13, 1956	Mar. 8, 1956	Thermopane window in home broken by whisky bottle.
382-A	Roy Meissen	Mar. 22, 1956	Mar. 9, 1956	3-inch cut in tire.
383-A	Arthur Black	Mar. 13, 1956	Mar. 10, 1956	Car windows broken, southeast gate.
384-A	Alvin F. Suemlicht	Mar. 21, 1956	do	4-inch cut in tire.
385-A	Mrs. Maude Hartmann	Mar. 15, 1956	Mar. 13, 1956	Thermopane window in home broken by milk bottle.
386-A	Roman H. Schuessler	Mar. 17, 1956	do	Large living room window and storm window in home broken by milk bottle.
387-A	Gerald H. Emley	Mar. 20, 1956	Mar. 17, 1956	Car window broken, southeast gate.
388-A	Mrs. Elaine Fahl	do	do	Do.
389-A	Harold M. Gollhardt	Apr. 2, 1956	Mar. 20, 1956	Salt in gas tank of son's car.
390-A	Raymond Phippen	Mar. 23, 1956	do	2 glass jars filled with paint hurled through windows of home, damaging interior.
391-A	Clarence E. Renzelmann	do	do	Pint jar of paint thrown through window of home, damaging interior.
392-A	Carl M. Yerkman	Apr. 4, 1956	do	2 pint jars filled with paint, oil, and turpentine hurled through windows of home, damaging interior.
393-A	Victor Frauenfeld	Apr. 2, 1956	Mar. 23, 1956	Tire slashed.
394-A	Jerome F. Henschel	do	do	Bedroom window and storm window in home broken by milk bottle.
395-A	John Kraemer	do	Mar. 24, 1956	Living room window and storm window in home broken by milk bottle.
396-A	Harvey T. Nussbaumer	Mar. 26, 1956	do	Bedroom window and storm window in home broken by bottle.
397-A	Theodore H. Becker	Apr. 2, 1956	Mar. 25, 1956	Roofing nail in tire.
398-A	Michael Reinholdt	do	do	Car window broken, northeast gate.
399-A	Ernest Beiersdorf	Apr. 3, 1956	Mar. 29, 1956	Thermopane windows hit by glass containers filled with paint, damaging exterior of home.
400-A	Elmer O. Wentz	Apr. 2, 1956	do	Windows in home broken by glass jars filled with paint.
401-A	Harvey Schmidt	Apr. 7, 1956	Apr. 3, 1956	Living room windows and storm windows in home broken by large olive jar filled with soot, leaving a black, greasy film on carpeting, drapes, furniture, and walls.
402-A	Mykolos Dobrovolskis (Apr. 23, 1956, memo from legal department to W. J. Ireland).	do	Apr. 19, 1956	Bedroom and kitchen windows in home broken by rocks.
403-A	Charles Hein	Apr. 20, 1956	do	Car windows broken.
404-A	Royal W. Becker	Apr. 25, 1956	Apr. 20, 1956	Flat tire, southeast gate, 3 roofing nails; 7 roofing nails found in 2 other tires.
405-A	Jerome C. Behnke	Apr. 26, 1956	Apr. 21, 1956	Roofing nail and screw found in tire, southeast gate.
406-A	Raymond Phippen	do	Apr. 24, 1956	Window and storm window in home broken by rocks.
407-A	Stephan Herm	May 2, 1956	Apr. 26, 1956	Glass jar thrown through window of home.
408-A	Edgar A. Eslinger	May 11, 1956	May 1, 1956	Car window hit by object, damaged, northeast gate.
409-A	Stephan Herm	do	May 8, 1956	Glass jar filled with bluish black substance thrown against home.
410-A	Howard Mason	May 18, 1956	May 9, 1956	15 holes in sidewalk of tire and V-shaped cuts in tires.
411-A	Gottlieb Hense	May 14, 1956	May 10, 1956	Dent in porch of home, beer bottle hurled against house.
412-A	Jerome C. Behnke	May 23, 1956	May 11, 1956	Flat tire, southeast gate, roofing nails in 2 other tires.
413-A	Raymond F. Dederling	June 8, 1956	do	Foreign substance in oil in car.
414-A	Daniel Murray	June 6, 1956	June 3, 1956	Canvas top on convertible cut while car was parked on city street in Sheboygan.
415-A	Elwin Taubenheim	June 19, 1956	June 17, 1956	Screen and glass in door, and living-room window in home broken by peanut butter jars.
416-A	Fred Oliver	Aug. 7, 1956	Aug. 1, 1956	Jackknife blade found in tread of tire.
417-A	Wallace Miesfeld	Oct. 3, 1956	Aug. 4, 1956	Car windshield broken, canvas top slashed.
418-A	Gilbert Charles	Aug. 16, 1956	Aug. 15, 1956	2 windows in home broken by stones.
419-A	Thomas W. Wolfert	do	do	Roofing nails in 2 tires, northeast gate.
420-A	Clement B. Schoenborn, Sr.	Aug. 18, 1956	Aug. 16, 1956	Employee's wife's dresses slashed when left at dressmaker's for alterations.
421-A	Daniel J. Seidlitz	Aug. 20, 1956	do	3 nails in 2 tires, southeast gate.
422-A	Les Quasius	Sept. 1, 1956	Aug. 31, 1956	Nonemployee contractor performing construction work at Kohler Co.: 5 stones and 4 pint jars of paint thrown through windows in office building, damaging interior.
423-A	Arthur Muetzelburg	Oct. 2, 1956	Sept. 26, 1956	Flat tire, northeast gate.
424-A	Wallace Miesfeld	Oct. 3, 1956	Sept. 27, 1956	Wires to electrical apparatus in car jerked out.
425-A	Henry Otto Polster	Dec. 3, 1956	Nov. 23, 1956	Wires to distributor and other parts cut.
426-A	Jack Strace	Nov. 30, 1956	Nov. 26, 1956	Thermopane window in living room and kitchen window in home broken by milk bottles.
427-A	Mykolos Dobrovolskis (Dec. 6, 1956, memo from legal department to W. J. Ireland).	do	Dec. 4, 1956	Bedroom window in home broken by milk bottle.
428-A	Frederick Kuehlmann	Dec. 26, 1956	Dec. 21, 1956	4 jars filled with paint thrown through windows, damaging interior of home.
429-A	John Koehn	Jan. 9, 1957	Dec. 28, 1956	Flat tire, 4-inch nail.
430-A	Marvin Klemme	Jan. 23, 1957	Jan. 19, 1957	3-inch slash in tire.
431-A	Clarence Hartung	do	Jan. 21, 1957	Thermopane window in home broken.
432-A	William Helms	Jan. 28, 1957	Jan. 22, 1957	Window in Lindemann's Grocery Store (owned by William Helms) broken by piece of coal.
433-A	Albert Bassler	Jan. 30, 1957	Jan. 27, 1957	Paint splattered on outside of home.
434-A	Gordon McChain	Apr. 2, 1957	Jan. 29, 1957	Employee's helpers poisoned, 3 helpers died.



Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. McCLELLAN. The Senator will recall that there were some rather serious bombings in Tennessee in connection with labor strife. I think we can say, without any qualifications, that we also received testimony of many, many other bombings throughout the country in labor disputes that did not become the subject of hearings in the course of our investigation, because it was impossible, in the time we had, and with the staff we had, and with our other duties, to make an investigation of all these incidents.

Mr. GOLDWATER. The Senator is absolutely correct. I think I would be safe in assuming that if we had done nothing else except investigate instances of bombings and fires and violence that destroyed property, we would be continuing yet, and we would never have gotten into the field in which, under the Senator's direction, the committee did such a masterful job.

Mr. McCLELLAN. I think the Senator will also agree with me that for each instance of the bombing of a church or school which may have occurred, there were a dozen or more instances of bombings growing out of other controversies—not merely hate bombings, but those growing out of labor disputes or controversies of a similar nature.

Mr. GOLDWATER. The Senator is absolutely correct. I need only call his attention, and the attention of my other colleagues, to a rather serious bombing which took place in Portland, Oreg., only a few weeks ago. A number of large trucks were bombed and destroyed in connection with a strike which took place concerning one of the large newspapers in Portland. It was an instance of destruction of property which certainly the situation did not call for.

I think the testimony which was given before our committee certainly demonstrated that men's passions can grow so violently that they will stop at nothing, unless we put something in their way, and that something should be the strength of the law.

Mr. McCLELLAN. If the Senator will yield further, if we are going to enact laws to prevent crime and to enable the law enforcement authorities, either Federal or State, to apprehend criminals who violate the law and who indulge in acts such as bombings, if we are really to try to legislate in that whole area, it is absolutely necessary that we include in the provisions of the bill structures, facilities, buildings, and vehicles, because in many areas, if we undertake to confine the bill to schoolhouses or churches, three-fourths or nine-tenths of those who perpetrate bombings will escape apprehension and penalty.

Mr. GOLDWATER. The Senator is absolutely correct. That is the basic reason why the junior Senator from Arizona was interested in making the law equally applicable. I may be accused of merely wanting to deal with certain conditions in our country. I assure the Senator from Arkansas that

is not so. I can find no reason for condoning the destruction of property, and taking away of property without due process of law. I know how I would feel if somebody had destroyed property which I had spent a lifetime in building up. I know how I would feel if the offender had fled from my State and there was no way to bring him to justice. That is the reason for extending the provisions of the bill.

Mr. McCLELLAN. I should like to compliment the distinguished Senator from Arizona, and express my appreciation for his having offered the amendment, and to announce my support of it. I trust the amendment will be agreed to, and that it will be retained in the bill. I hope we can enact this provision into law. It does not deal with any one element or any one group or any one section of our country. It approaches the problem on the basis that what is wrong in one section or one area or for one group or for one class of person is also to be condemned and made to come under the law in all sections of the country.

Mr. GOLDWATER. I thank my good friend from Arkansas.

Mr. President, in order to proceed with my remarks, I want to read briefly from the hearings before the McClellan committee merely a few of the instances which we ran into concerning bombing and firing.

Mr. President, these excerpts come from part 21 of the hearings before the Select Committee on Improper Activities in the Labor or Management Field, 85th Congress, 2d session. From page 8682, I read, in part, the evidence concerning the bombing of an automobile:

The CHAIRMAN. As I understand you, when your car was dynamited, had you not fortunately moved your car from where you first got it started, when you first got into it, would not the car have been bombed and you, too?

Mr. ELSESSER. It certainly would. There is Rudy's ambulance across the street, and they sit by the window and watch the traffic go by and wait for calls. After this happened, he came over and he said just after he came out of the house, somebody came through with a Kaiser, I believe he said a green Kaiser, and somebody threw something under the car that looked to him like a cigarette. That is evidently what happened.

The CHAIRMAN. Had it been placed in the car or merely underneath it?

Mr. ELSESSER. Underneath the car.

The CHAIRMAN. I beg your pardon?

Mr. ELSESSER. Underneath it.

The CHAIRMAN. It had just been thrown underneath the car and had not been placed in the car?

Mr. ELSESSER. It was underneath.

The CHAIRMAN. As I understand, you had never had any previous trouble; you had never had any vandalism committed on your premises or property, or anything prior to this strike?

Mr. ELSESSER. Prior to the strike; no, sir.

The CHAIRMAN. And on the occasion when you were down in the tavern, you did identify the people who molested you there?

Mr. ELSESSER. Yes, sir.

The CHAIRMAN. And they were union strikers?

Mr. ELSESSER. Yes, they were.

The CHAIRMAN. You knew them personally?

Mr. ELSESSER. I knew them both.

The CHAIRMAN. You do not know, you have no proof as to who committed these acts of violence on your property?

Mr. ELSESSER. I have no proof.

Mr. President, I skip to another incident which had to do with the bombing of a car, on page 8716 of the same document:

Mr. KENNEDY. Now, on April 12, 1955, you were at home, on one Tuesday evening watching television?

Mr. YURK. That is right.

Mr. KENNEDY. And did your wife then come running in the house?

Mr. YURK. Yes, sir.

Mr. KENNEDY. Would you relate or recite what happened?

Mr. YURK. She came into the house, and said a car passed in front with the lights out, and someone opened the door and threw a lighted object under my car which was parked in front of the residence at that time.

My son was with me at the time, and I said, "Well, possibly it could be a cigarette," and she said "No, I don't think so." So my son went out to investigate with a flashlight, and I went part way with him, but he hollered at me then and said, "Get back to the house. It is a stick of dynamite."

So, in the meantime, my wife went to the telephone to call the police department, and while she was talking to the police department the stick of dynamite went off and exploded.

Mr. President, I skip a little which is irrelevant.

Mr. KENNEDY. Do you know approximately how much the value of the car was or how much damage was done, in other words?

Mr. YURK. Not in dollars and cents, no.

Mr. KENNEDY. Approximately?

Mr. YURK. Probably \$300 or better.

Mr. President, this is another illustration of violence and bombing not connected with religious or educational activities. I shall cite only one more instance, from page 8720 of the same Senate document to which I originally alluded:

Mr. KENNEDY. Did you have anything happen to your car again?

Mr. HOLSEN. Well, shortly after that, I traded the car in and purchased a 1951 Lincoln automobile. I believe it was March 15, the night of March 15, that car was dynamited in front of my home.

Mr. KENNEDY. What happened?

Mr. HOLSEN. Well, it sounds kind of strange. Our bedroom is in back of the home. I was awakened by pounding on the door, at approximately 11:30 that evening. My next door neighbor, who was a woman striker, was pounding on the door telling me that I should come out, that my car had been blown up. I didn't know what to think. I kept looking out the door until I saw there was some policemen out there, and then I went up to see. They were right. The car had been blown up.

Mr. President, in regard to the amount of damage which was done, it was stated the damage was approximately \$463. It is not of importance to know the amount of damage which was done—to know whether the car had a few bits of paint knocked off or whether the car was completely destroyed. That is beside the point. The point is that this was vandalism, evidenced by the bombing of a man's property in three different cases. To this day, to my knowledge, the perpetrators of these crimes have never been brought to justice. Had an endeavor been made to bring them to justice, Mr.

President, they could have gone across the State line to avoid prosecution. It is possible they could have gone across the State line to avoid giving testimony against a person whom they knew to be guilty. In either case, there would be no way for those people to be returned, except through the extradition processes by a Governor of another State.

Mr. President, there were two cases where the Governor refused to extradite criminals back to Wisconsin, not for bombings but for other reasons, and we might imagine that would apply in these instances, also.

Mr. President, I could labor the Senate at some length on this matter, because the committee heard a number of cases. The Perfect Circle strike in Indiana was replete with examples of firings, some bombings, and much violence. In fact, in recent months, as I said earlier, we have had the bombings of trucks in Portland, and the violence and the destruction of property at Albert Lea, Minn. While we do not know if there were bombings or firings involved, certainly the next step we could expect would be extreme acts of violence, as the tempers of men grew hotter and hotter.

Mr. President, if there are not other Senators in the Chamber who desire to have me yield to them to ask questions on this matter, I think I have discussed it as much as I care to. I would be glad to relinquish the floor, and I suggest that we proceed with a vote.

Mr. BUTLER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield.

Mr. BUTLER. I wish to commend the Senator for his most able address. I had intended at a later time to offer such an amendment. I am happy to join with the Senator, and I shall support him wholeheartedly in his endeavor to have the amendment agreed to.

I inquire of the Senator whether the yeas and nays have been ordered on the amendment.

Mr. GOLDWATER. The yeas and nays have been ordered.

In conclusion, Mr. President, I will say that the Senator from Delaware [Mr. WILLIAMS], the Senator from Maryland [Mr. BUTLER], the Senator from Nebraska [Mr. CURTIS], and the Senator from South Dakota [Mr. MUNDT], have all joined me in offering the amendment.

I have concluded, Mr. President. I yield the floor, and I suggest that we vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona.

Mr. CARROLL. Mr. President—

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

Mr. CARROLL. Mr. President—

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CARROLL. A parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. CARROLL. What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arizona [Mr. GOLDWATER], for himself and other Senators, on page 3 of the Dirksen amendment in the nature of a substitute, to strike from section 1074 the words beginning with "if such building" on line 11 and ending with the word "education" on line 14 and to modify the title accordingly.

Mr. CARROLL. Will the Senator from Arizona yield for a question?

Mr. GOLDWATER. I do not have the floor.

Mr. CARROLL. Will the Senator permit me to ask him a question?

Mr. GOLDWATER. Yes.

Mr. CARROLL. Do I correctly understand that the amendment offered by the able Senator from Arizona is designed to broaden, across the board, the Dirksen amendment?

Mr. GOLDWATER. The Senator is absolutely correct. I wanted to apply in this instance the theory of the equal application of the law, to the point that if any building, structure, facility, or vehicle were bombed and the perpetrators of the crime went across State lines to avoid prosecution or testifying, the action would come under the Federal statutes section 1074, title 18, of the United States Code.

Mr. CARROLL. Will the Senator state to the junior Senator from Colorado whether the amendment of the able Senator from Arizona has to do with the possession of or transportation of explosives?

Mr. GOLDWATER. No; I believe that is covered under another section of the substitute.

Mr. CARROLL. I thank the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am ready for a vote.

Mr. MANSFIELD. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. COOPER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. ERVIN. Mr. President—

Mr. MANSFIELD. Mr. President, will the Senator from Kentucky withhold the suggestion of the absence of a quorum?

Mr. COOPER. Certainly.

Mr. ERVIN. Mr. President, I rise in support of the amendment offered by the able and distinguished junior Senator from Arizona. I had cosponsored a somewhat similar amendment, and intended to propose it as an amendment to the Dirksen amendment in the nature of a substitute for the pending bill.

It seems to me that the Senate should support this amendment with practical unanimity. The amendment would make this section harmonious with the basic principle on which all systems of justice must rest if they are to merit the name of systems of justice.

The amendment of the able and distinguished junior Senator from Arizona would make the law apply to all persons in like circumstances alike; and that is the way all laws should be.

Moreover, I think it is necessary for the Federal Government to enter into this particular field, because those who commit crimes of this character do so ordinarily under cover of darkness, and ordinarily they flee across State lines to avoid apprehension and prosecution. The perpetrators of such crimes are ordinarily very difficult to identify, and, even in cases in which they are identified, to apprehend.

This amendment would bring the power of the Federal Government into a field which rightly belongs to the Federal Government under the interstate and foreign commerce clause. There is something in the Scriptures to the effect that men love darkness rather than light because their deeds are evil. If those words of the Scriptures apply with more force to one group of people over another, they apply to people who commit crimes of the nature of those specified in the amendment of the able and distinguished junior Senator from Arizona.

So I believe that, both from the practical standpoint and from the standpoint of the power of the Federal Government over interstate and foreign commerce, as well as from the standpoint of enacting a law on this subject which would be just and apply alike to all persons in like circumstances, the Senate should adopt the amendment offered by the able and distinguished junior Senator from Arizona.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Arizona [Mr. GOLDWATER] to section 2 of the Dirksen substitute as amended.

Mr. CARROLL. Mr. President, will the Senator yield for a question?

Mr. ERVIN. I yield to the Senator from Colorado.

Mr. CARROLL. I ask the able Senator from North Carolina whether the amendment under consideration would apply the so-called bombing statute across the board to two additional crimes, namely, arson and explosions? I previously asked this question of the Senator from Arizona [Mr. GOLDWATER]. I do not mean to cast any reflection on his interpretation.

Mr. ERVIN. This amendment would make the statute apply to flight in interstate and foreign commerce to avoid arrest or prosecution for using explosives or fire to destroy any kind of building, any kind of facility, any kind of structure. It would make such act a Federal crime.

In that sense, it would broaden the provisions of section 2 of the Dirksen amendment in the nature of a substitute, which restricts this application to persons who flee in interstate or foreign commerce after using explosives or fire in an effort to destroy only religious or educational buildings or facilities.

Mr. CARROLL. Would the Senator say that this amendment is an extension of the Fugitive Felon Act to two additional categories?

Mr. ERVIN. That is true.

Mr. CARROLL. It has to do principally with flight; is that true?



Mr. ERVIN. That is true—flight in interstate or foreign commerce for illicit purposes—namely, to avoid arrest or prosecution after using explosives or fire to destroy the designated buildings or facilities.

Mr. CARROLL. The able Senator from North Carolina is a very distinguished member of the Subcommittee on Constitutional Rights of the Senate Judiciary Committee. He interrogated the Attorney General on this very point. As I recall, the Attorney General was asking for a bill which would limit the application of this provision to religious and educational institutions. Will the Senator from North Carolina refresh my memory as to what the Attorney General said about extending the provision across the board?

Mr. ERVIN. Frankly, I do not recall what he said.

Mr. CARROLL. Is there any evidence that the Attorney General now wants to extend this provision beyond the category of religious and educational institutions?

Mr. ERVIN. I have no knowledge on that subject. Furthermore, it would be immaterial, because I am supposed to be a legislator, and he is supposed to be an executive officer.

Mr. CARROLL. It seems to me, as I remember the testimony of the Attorney General months ago, that he indicated that the Federal Bureau of Investigation was reluctant to go into this broad field.

Mr. ERVIN. If my memory serves me aright, the newspapers quoted the Attorney General as being opposed to any kind of legislation whatsoever in this field. A little later, as I recall, the Attorney General came before the committee and recommended limited legislation in this field. However, I do not believe that Congress, in discharging its legislative function, should rely too much on the Attorney General's advice.

Mr. CARROLL. If the Senator will further yield, in order to make a record, I read from page 189 of the civil rights hearings before the Subcommittee on Constitutional Rights, 86th Congress, 1st session, part I. The Attorney General, testifying before the subcommittee, said:

In my opinion this bill will serve as an effective deterrent to the bombing of educational and religious structures. It has the full support of the Director of the Federal Bureau of Investigation who recognizes that these incidents have confronted local law enforcement officials with difficult investigation and detection problems. A bombing is one of the most difficult types of crime to solve.

Summarizing his testimony, he stated that this provision was not for the purpose of supplanting local enforcement agencies, but he felt that in this category we should move into this particular field. Some of us have felt that if the FBI has the facilities, and if it is willing to assume the burden, we can broaden this provision, because it does have an interstate application. That is the reason why I asked the distinguished Senator from North Carolina whether or not we have any evidence anywhere from any source that the FBI has the facilities, the equipment, and the men to move

into the other categories. I ask the question in good faith, because I have not heard such testimony, and I wonder if the able Senator from North Carolina or the Senator from Arizona has that information.

I might add that it would not make any difference to me. However, I think we ought to make a record on this point so that Senators may be informed.

Mr. ERVIN. I am unable to state what the facilities of the FBI are on this proposition. However, if Congress passes the proposed law, and the facilities of the FBI are not equal to what is required, it would devolve on Congress to expand the facilities of the FBI to the extent necessary to enable the FBI to handle the situation.

Mr. CARROLL. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. CARROLL. I have heard all the testimony and it seems to me that there is no valid reason for having the law apply to one group or another group; on the contrary, we should broaden the statute, as we have done with respect to the Fugitive Felon Act. In that act we have brought together such common law crimes as kidnaping and mayhem and robbery and arson. It has general application. Therefore, I see no reason why, if we are to proceed in this field, we should not do it across the board, so to speak.

Mr. ERVIN. The Senator is right, because, as a matter of fact, the Fugitive Felon Act now covers most cases where a man commits a felony under State law and flees across a State line.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GOLDWATER. I believe the act we are discussing is section 1074 of title 18 of the United States Code. That lists all the crimes which the Senator from Colorado has alluded to. However, it does not include bombing. We feel that bombing also should be applied across the board, so to speak, and we should not confine the application of the law to religious or educational institutions. The Senator being a lawyer can understand the reasoning of a layman with respect to the equal application of the law. It is as if we were to say that rape under certain conditions was not rape. We would be saying the same thing with respect to bombing a church building if we did not include the bombing of a business building. In effect, we would say that it was wrong to bomb a church, but all right to bomb a business building which was the sole property of a citizen. We would say that to flee across a State line would be all right in the case of the bombing of a business building, but wrong in the other case.

Mr. CARROLL. What impressed me most is that in the case of bombings—obviously the Federal Government will not go into every minor case of bombing—State law will take care of such situations. However, where there is a concert of action and a moving across State lines, the Federal Government should step in, and the Federal Government should be able to bring in the FBI to

help. That is what we did with respect to the other common law crimes. An amendment may be offered later in this field, and it seems to me we may be able to broaden the whole field, and have the law apply not only to a person who flees across State lines after a bombing, but also with respect to a person who flees across State lines after committing any other common law crime. Perhaps that will come later. I do not believe there is an amendment at the desk on that point, or that deals with interstate crimes involving explosives. Very often a situation like this may not involve a conspiracy but an attempt to lead up to a bombing, and I believe we ought to be able to bring the FBI into such a situation. Is there such a situation covered in the Senator's amendment?

Mr. GOLDWATER. If the Senator from North Carolina will yield, I should say that that is not covered in my amendment, because the amendment pertains only to section 2 of the Dirksen substitute. I may say to my friend from Colorado, however, that it is my understanding that there are several amendments pertaining to the interstate transportation of explosives which have been offered. I believe the junior Senator from New York [Mr. KEATING] has one on that subject. I say that only because I heard him discuss it. I do not think his amendment would be applicable to my amendment.

I believe that under the circumstances, and as a member of the subcommittee, with the distinguished Senator from North Carolina, I certainly see no reason why we should not broaden this section, and apply it to the fugitive felon act. This has to do with flight. It does not supplant State law, but supplements it.

Mr. ERVIN. The able Senator knows that a number of bills dealing with the general subject of bombing were referred to the Subcommittee of the Judiciary Committee headed by our good friend the Senator from Wyoming [Mr. O'MAHONEY]. The subcommittee has been unable to act on them because of the illness of the Senator from Wyoming.

The Senator from Colorado is right in saying that there is no sound reason against broadening this provision. The original provision is an absurdity. Under the original Dirksen amendment a person who fled across State lines after bombing a school would be guilty of a Federal crime, but a person who fled across State lines after bombing the home of the teacher who taught the children who attended such a school building would not be guilty of a crime. That makes for a rather absurd situation.

Mr. CARROLL. I thank the Senator from North Carolina for yielding.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the junior Senator from Georgia.

Mr. TALMADGE. Is it not true that, under section 2 of the original Dirksen amendment, a man who dynamited the White House and fled to the State of Virginia would not be guilty of a crime?

Mr. ERVIN. That is true.

Mr. TALMADGE. Is it not also true that, if someone shot off a 5-inch firecracker in a school in the District of Columbia and fled to the State of Virginia, he would be guilty of a crime?

Mr. ERVIN. Assuming that a firecracker of that size is an explosive and that the offender was seeking to destroy the school, yes.

Mr. TALMADGE. Does the Senator from North Carolina feel that it is at all consistent to make the shooting off of a firecracker in a public school in the District of Columbia a crime and not make it a crime to dynamite the White House?

Mr. ERVIN. That is true. I might say that, under this bill in its original form, a person could blow up the U.S. Capitol and flee into another State, and his flight would not be a crime unless it were possible somehow to place the Capitol in the class of an educational institution; certainly it is not a religious institution.

Mr. TALMADGE. Would the Senator say that the Supreme Court is in the same category?

Mr. ERVIN. Undoubtedly so.

Mr. TALMADGE. Does it not appear to the senior Senator from North Carolina that the Dirksen amendment in its present form is ludicrous in that respect?

Mr. ERVIN. Absolutely. It deals with a part of the situation and leaves the remainder untouched.

Mr. TALMADGE. I wholeheartedly agree with the Senator from North Carolina. I think the various States are capable of solving this problem, but if the Senate wishes to make it applicable to all situations, I see no objection to it; but it seems to me to be the height of folly and an absurdity to make the shooting off of a firecracker in a public school building a crime, and the bombing of the White House, with the conceivable assassination of the President of the United States, legal under the same circumstances. I commend the Senator.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from Arizona [Mr. GOLDWATER], as modified.

Mr. SMATHERS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Mr. DIRKSEN. Mr. President, I should point out that the section in the administration proposal, the package amendment which is at the desk, deals with flight to avoid prosecution for damaging or destroying any building or other real or personal property as it is related to religious and educational institutions. This came about as an amendment, in the first instance, to the so-called Fugitive Felon Act, referred to in the statute as fugitives from justice.

That is a criminal statute, and it has been modified and amended on other occasions.

Section 1071 of that statute deals with concealing persons from arrest. Section 1072 deals with concealing escaped prisoners. Section 1073 deals with flight to avoid prosecution or giving testimony.

The section now before the Senate is section 1074. It deals with flight across State lines to avoid prosecution for inflicting damage on structures and facilities which are identified with religion or with education.

I am sensible of the fact that the amendment of the distinguished Senator from Arizona proposes to bring this language virtually in line with the language which appears in the House bill.

As a matter of fact, I believe the amendment as drawn would be, legally and technically speaking, an improvement on the House bill, in the sense that we do not particularize everything, so that if an interpretation of the statute is required, and some particular building, some type of facility, or some structure might be exploded or burned there would be a question whether or not it would come within the purview of the statute when certain things are particularized. I understand the danger oftentimes in doing that, and the law books are fairly filled with cases where some recital was omitted, and it was on that point that the case was made.

The Senate language, of course, narrowed all this. The structure, the facility, the building, had to be primarily identified with religion or with education.

I point out what I regard as the practical effect of the amendment which would broaden the language. First, it leaves it entirely out of the category of civil rights. It makes it a general criminal statute. The very reason for this matter being included in a civil rights bill is the bombings which were allegedly ascribed to prejudice and discrimination, and to the passions which have arisen from this issue.

But when the proposal is modified so as to make it a general criminal statute, for practical purposes we are not actually dealing with the whole issue of civil rights. I think that is one objection that might be made.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. I pointed out earlier, before the distinguished Senator from Illinois came to the Chamber, that I do not believe this section should properly be in a civil rights bill. Inasmuch as it is in a civil rights bill, then I think it should be applied across the board.

Before the Senator goes to his next point, I call attention to the language of the House bill. The language of the House bill is identical with the language of the Senate bill, so far as "such building, structure, facility, or vehicle," is concerned. But the House language continues, and then I believe the House becomes redundant. The House language then reads "dwelling house, synagogue, church, religious center, or educational institution, public or private."

Those are certain buildings or facilities, or they might even be termed "structures." So I do not see the need of having redundant language when the House bill comes over, or to have the language restrictive in the Senate bill. I do not confine my language to civil rights. It could probably be, in some other approach, but, inasmuch as it is here, I think it will greatly strengthen the hand of the Senate, if we go to conference, if we have what the House wants to have, but have it better spelled out.

Mr. DIRKSEN. I certainly can make two concessions to the distinguished Senator from Arizona. The first is that when this matter was before the Committee on the Judiciary there was some question about it. It was thought that perhaps this particular matter should have been dealt with in a separate criminal statute. But the point is that it is now before us.

The second concession I make is that I believe, technically speaking, the language of the Senator from Arizona is an improvement on the House language.

But I still return to the thesis I made—that in the Senate bill the bombing must be related primarily to religious purposes or for purposes of public or private primary, secondary, or higher education. It is the point of narrowing the scope of the bill which I would belabor at this time.

First, I believe we put an undue burden upon the Federal law enforcement agencies, and very notably the FBI. I think I can illustrate my point in this fashion, to indicate how diffusing this proposal really is. If a truck is taken on a highway to Fargo, N. Dak., and there is some belief that the person in question went across a State line to avoid prosecution, the case thereby immediately becomes a Federal case. Yet we have considered those cases in the main to be matters for the local law enforcement authorities.

Second, I point out that a house might be bombed in Tucson, Ariz., and a man might go across a State line to avoid prosecution or to avoid giving testimony.

Second, a house in Tucson, Ariz., might be bombed, and a person responsible for the bombing might cross a State line, either to avoid prosecution or to avoid giving testimony. But in view of the purview of this measure, if the house which was bombed had relationship to education or religion, the bombing would become a primary problem for the Federal law-enforcement authorities.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER (Mr. BUSH in the chair). Does the Senator from Illinois yield to the Senator from Arizona?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. Can the Senator from Illinois tell me how he reaches the conclusion that the bombing, on a highway, of a truck not in religious use would fall outside the proposed Federal law; yet when a truck which belonged to a church was bombed, and when the man responsible for the bombing fled across a State line, his act of bombing would become a Federal crime or felony?



And the same would apply to a house in Tucson, Ariz.—although why anyone would wish to destroy property in that delightful city and State, I cannot understand. [Laughter.]

However, if a house in Tucson, Ariz., were bombed, and if the man responsible for the bombing later crossed a State line, to avoid apprehension or prosecution, the Federal Government could not be brought into the matter unless the house had been in religious use.

So my point is this: What is the difference? If a church owns the house, it will be wrong for the man responsible for the bombing to cross a State line; but if John Smith, a private citizen, owns the house, it will be perfectly all right for the man who bombs the house to cross a State line.

I follow the principle of equal law applicable to everyone. I assure the Senator, as he knows, that the bombings of churches, synagogues, and other places of worship in this country have occurred, in any appreciable numbers, only in the last few years, and have been relatively few in number, as compared with the literally hundreds of cases of bombings and arson which have occurred in other parts of the country.

Mr. DIRKSEN. Let me say to the distinguished Senator from Arizona that my hope has been to keep this matter in line with the general civil rights thesis. The reason this provision got into the bill in the first place was the occurrence of bombings such as the one which occurred at Clinton, Tenn. Just think of the terrible loss of life that would have occurred if that bombing had been done in the daytime, when school was in session. I saw that structure; I have gone by there 25 or 30 times, and I know what has been done. That bombing occurred as a result of the racial tension or situation in Tennessee.

So this provision was designed to address itself to that situation, and to keep this part of the bill in character, in connection with the civil rights theme.

Mr. GOLDWATER. Mr. President, will the Senator from Illinois yield further?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. Let us carry the civil rights concept just one step further, and then I shall be seated: As I understand, a civil right has to be recognized by the Constitution; and certainly the Constitution is replete with references to property and to the fact that property cannot be taken without due process of law. I think property is one of the great keystones of our whole concept of government.

Is the destruction of a man's home not as much a violation of his civil rights as is the bombing of a church, which might be bombed because the church was of a character that might be offensive to a certain group of persons? Both bombings would result in the destruction of property. Therefore, I maintain that both apply to civil rights, because civil rights accrue—after they come from God, in the first place—because of the fact that they are mentioned in the Constitution.

Mr. DIRKSEN. Mr. President, I do not want to go 'way down that philosophical road. But there is ample local law enforcement for the purposes I have recited.

I say now that the Senator from Arizona is attempting to give a diffusive dimension to this section of the bill, when he attempts to lift it, first, out of the general scheme of civil rights protection and, second, when he attempts to make it a general criminal statute. If that were desired, I think the Attorney General would have made a request for it, because we find that the particular section of the criminal code to which this version is an amendment particularizes the offenses dealt with, in every case.

I have some notion—and I think I can discuss this matter with some authority—that when this matter first came on, the earlier language proposed was considerably broader. It was discussed with the Department of Justice and with the FBI; and I discussed it with the FBI another time, not more than 1 hour ago; and they say, "If you make this so indefinite and so broad, you will put a tremendous burden upon the Federal law-enforcement agencies, and then there will come into the hopper many, many cases which properly should be before the State law-enforcement agencies."

That was the real reason for narrowing this provision in the first place and for relating it primarily to religious and educational institutions.

Let me say that I was not responsible for putting that in the bill. I recall only too well—and the distinguished Senator from North Carolina recalls it, and so does the distinguished Senator from Nebraska [Mr. HRUSKA], who was on the subcommittee—my discussions with them with respect to this section. They wanted to deal with it separately. But since it was before us and since the whole matter was in the air at the time, I thought it only proper to keep it within the philosophical confines of a civil rights bill; and that is what we sought to do in the Senate bill, instead of including every dwelling, every structure, and every truck, so that the interstate scope of the work which would have to be done would be broadened.

I think everyone knows that the FBI is rather cautious as to how far it goes. Oftentimes it backs off from cases, simply because no interstate character is involved.

But if we go this far, then of course we must be prepared to implement the FBI and the Department of Justice, because a great burden will be laid in their laps; and then we would be going beyond the scope of a civil rights bill.

I realize the awkward position I am in, from the standpoint of the House bill, because it is much broader. I think the House bill will be almost in line with this part of the Senate bill if the amendment of the distinguished Senator from Arizona is adopted. No one knows that any better than I do.

But I still say such a provision would go beyond the scope of a civil rights bill. This matter came up in the first place

as a result of the bombing of schools and synagogues; and since the matter is before us, I like to keep the bill in character and keep it within those confines.

Mr. LAUSCHE. Mr. President—

Mr. ERVIN. Mr. President—

Mr. DIRKSEN. Mr. President, I yield first to the Senator from Ohio, who was first on his feet.

Mr. LAUSCHE. Mr. President, for the moment I should like to explore the true definition of a civil right.

Does the Senator from Illinois claim that the right of a citizen to live peacefully and in security in his home is less a civil right than the right to worship peacefully within a church or to study peacefully and securely within a school?

Mr. DIRKSEN. I am going to answer my friend in this fashion: I was called out into the reception room, the other day, by two gracious and charming ladies. I said to them, "What can I do for you?"

They replied, "We want you to offer an amendment to one section of the bill."

I asked, "What amendment is it?"

They said, "Just broaden the bill, so as to include enough safeguards so that the rights of citizens shall not be denied because of sex."

Of course, Mr. President, if we wish to include such a provision, I suppose a fairly good argument in favor of the inclusion of such a provision could be made; but then the sky would be the limit.

However, we are now dealing with a problem which has been fairly well ascertained; and if that were not so, there would not have been the continuous sessions, for so long a time, on the subject of civil rights.

Mr. LAUSCHE. Mr. President, the Senator from Illinois has not answered my question.

Mr. DIRKSEN. Oh, yes—

Mr. LAUSCHE. I want to establish the definition of a civil right. If the right to worship in church, securely and serenely, is a civil right, and if the right to study in a school securely and without bombing is a civil right, is it not also a civil right to be within one's home and to be secure from bombing and the placement of fire, so that the building in which a private citizen lives and in which he prays and in which he seeks haven shall not be destroyed?

Mr. DIRKSEN. I might make two answers to the Senator. The first is that I am not unaware of the fact that many things can be spelled out in the bill. My distinguished friend from Ohio is very free to offer amendments, have them qualified, have them read, or have them deemed to have been read, to get precisely what he is after. I think, if my imagination were taxed sufficiently, I could offer an amendment to amend the Senate rules to allow me to enjoy a good night's sleep, instead of having to sleep on a cot. I think that is a civil right.

Mr. LAUSCHE. Let us take a look at that. [Laughter.]

My understanding of a civil right is that it comprehends those rights, primarily, which are covered by the 10 sec-

tions of the Bill of Rights. One cannot begin to separate them. To me, every right contained in the Bill of Rights is as sacred as if it had come to me from my Maker; and it is not for the Senate or for the Congress to be ascribing a greater importance to one civil right than to another.

Mr. DIRKSEN. For the moment, at least, I am not undertaking to amend, modify, change, or expand, or put before us, the first 10 amendments to the Constitution. I have to leave that to another time.

Mr. LAUSCHE. That, of course, is not what the Senator from Arizona is trying to do. He is saying every citizen in this country shall be secure in the possession of his properties, in his right to worship, and in his right to study within buildings; and that a worker in the United States shall be secure in his home against bombing; and that a businessman in the United States shall be secure in his business against bombing. That is what the Senator's proposal reduces itself to.

Mr. DIRKSEN. The best answer I can make is to say that I followed my distinguished friend from Arizona when the Senate had before it the Landrum-Griffin-Kennedy bill, and he made a magnificent effort to expand some rights, but that was not the desire of the Senate. We were confronted constantly with the argument that the bill dealt with certain things, and thereafter the Senate "mowed" him down. I took my lesson from what the Senate had done, and I am keeping the present proposal within the context of civil rights.

Mr. ERVIN. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield to the Senator from North Carolina.

Mr. ERVIN. I ask for information, because I am unable to "onscrew the onscrutable." My question is this. The Scriptures say, in substance, that every man shall dwell under his vine and under his fig tree with none to molest him or make him afraid. I should like to ask the Senator the same question which the Senator from Arizona and the Senator from Ohio put him. Why does the Senator from Illinois say that the right to sit down in a church, at peace, is a civil right, whereas the right of a man to sit under his vine and under his fig tree, according to the Scriptures, is not a civil right? If the Senator can make that distinction, he is going to have to "onscrew the onscrutable" to establish the difference.

Mr. DIRKSEN. No; I would not have to "onscrew the onscrutable" or "undo the undoable." In the first place, I could not vote if I were sitting under my own vine and fig tree. That is something else we have to consider. And I could not go to a school of my own choice if a State law prevented me from so doing. So that brings into purview the segregation question. I could not get a job sitting under that fig tree unless I first went out and looked for a job, and then discovered that the taxpayer's money was being expended on a certain project and, because my skin was off

color, I could not get a job. If that has anything to do with a vine and fig tree, I give up, I say to the Senator.

Mr. ERVIN. Does not the Constitution provide that a man has a right to life, liberty, and property, and is not his dwelling house his property? In view of the fact that a civil right is a right given to all citizens by law, how can the Senator say a right to enjoy property consisting of a dwelling house is not a civil right?

Mr. DIRKSEN. Mr. President, I know what is before us, and I just try to stay within that framework, and nothing more.

Mr. RUSSELL. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. RUSSELL. In connection with the Senator's statement about the two charming ladies who came to see the Senator, I understand they wanted an amendment which would prevent any discrimination on account of sex.

Mr. DIRKSEN. That is correct.

Mr. RUSSELL. I wish to observe that the Senator had an answer he might have given them.

Mr. DIRKSEN. I was too coy.

Mr. RUSSELL. Though the argument has been wrapped in many thousands of words here in debating this section and the one which was before the Senate on Friday, the Senator might have said such a provision would put too much of a burden on the Attorney General because people of both sexes were found outside of the South. [Laughter.]

Mr. DIRKSEN. The fact still remains that the burden is going to be put on the law enforcement agencies, and if they have got to have the personnel, the talent, scientific equipment, and goodness knows what, in order to investigate the bombing of a truck in one of the little bayous of Louisiana or a structure somewhere in Butte, Mont., the sky is the limit—the country becomes the oyster of the FBI. It is just that simple.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. GOLDWATER. The Senator alluded to the oyster of the FBI and the other Government agencies. I might suggest that that which they are supposed to detect is the oyster of our Government, which is the Constitution.

I agreed at the outset of my argument that this section rightfully did not belong in a civil rights bill. If the Senator wants to become technical about it, I can change my mind and say I think it does belong in a civil rights bill, because certainly the right of property is a civil right. The argument the Senator made about education shows that is not a civil right. It is a civil freedom granted under the Constitution, because the Constitution in no way empowers the Federal Government to enter the field of education; but it does empower the Federal Government to enter into the field of bombing of schools, homes, businesses, structures, and vehicles. Certainly, as a Senator in this body, I do not care how much additional work would be placed on an agency of Gov-

ernment. I am in favor of protection of civil rights provided under the Constitution. I do not care if the FBI has to multiply its forces by three or four times.

Mr. DIRKSEN. Mr. President, I have stated my case. I can conclude only with this thought. I do not know how many speeches have been made in the Senate and how many speeches will be made in the other body. I am like the spirit of that old spiritual. I go "inching along," and I am content to inch up a little in this field in the interest of progress and in order to try to avert discrimination. That is one of the reasons why the bill was narrowed as it was, making it a general criminal statute, to keep it within the spirit of the Bill of Rights.

With that statement I have concluded my remarks, and I am ready for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, offered by the Senator from Arizona [Mr. GOLDWATER] to section 2 of the Dirksen substitute, as amended.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from New Mexico [Mr. CHAVEZ], the Senator from Illinois [Mr. DOUGLAS], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wisconsin [Mr. PROXMIER], and the Senator from New Jersey [Mr. WILLIAMS] are absent on official business.

The Senator from Minnesota [Mr. HUMPHREY] is necessarily absent.

The Senator from Connecticut [Mr. DODD] and the Senator from Wyoming [Mr. O'MAHONEY] are absent because of illness.

I further announce that if present and voting, the Senator from New Mexico [Mr. CHAVEZ], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DOUGLAS], the Senator from Minnesota [Mr. HUMPHREY], the Senator from North Carolina [Mr. JORDAN], the Senator from Oklahoma [Mr. KERR], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Wisconsin [Mr. PROXMIER], and the Senator from New Jersey [Mr. WILLIAMS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Indiana [Mr. CAPEHART] is absent by leave of the Senate.

The Senator from Hawaii [Mr. FONG] is absent on official business.

The Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL] are detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] and the Senator from California [Mr. KUCHEL] would each vote "yea."

The result was announced—yeas 85, nays 1, as follows:

[No. 122]

YEAS—85

Aiken	Bartlett	Bible
Allott	Beall	Bridges
Anderson	Bennett	Brunsdale



Bush	Hartke	Moss
Butler	Hayden	Mundt
Byrd, Va.	Hennings	Murray
Byrd, W. Va.	Hickenlooper	Muskie
Cannon	Hill	Pastore
Carlson	Holland	Prouty
Carroll	Hruska	Randolph
Case, N.J.	Jackson	Robertson
Case, S. Dak.	Johnson, Tex.	Russell
Church	Johnston, S.C.	Saltonstall
Clark	Keating	Schoeppel
Cooper	Kefauver	Scott
Cotton	Kennedy	Smathers
Curtis	Lausche	Smith
Dworshak	Long, Hawaii	Sparkman
Eastland	Long, La.	Stennis
Ellender	McCarthy	Symington
Engle	McClellan	Talmadge
Ervin	McGee	Thurmond
Frear	McNamara	Wiley
Fullbright	Magnuson	Williams, Del.
Goldwater	Mansfield	Yarborough
Gore	Martin	Young, N. Dak.
Green	Monroney	Young, Ohio
Gruening	Morse	
Hart	Morton	

# NAYS—1

Dirksen

# NOT VOTING—13

Capehart	Humphrey	O'Mahoney
Chavez	Javits	Proxmire
Dodd	Jordan	Williams, N.J.
Douglas	Kerr	
Fong	Kuchel	

So Mr. GOLDWATER's amendment to section 2 of the Dirksen amendment in the nature of a substitute was agreed to.

Mr. GOLDWATER. Mr. President, I move that the vote by which the amendment to the amendment was agreed to be reconsidered.

Mr. DIRKSEN. Mr. President, that is hardly necessary.

Mr. JOHNSON of Texas. Mr. President, I move to lay that motion on the table.

The motion to reconsider was laid on the table.

The PRESIDING OFFICER. The question now is on agreeing to section 2 of the Dirksen substitute, as amended.

Mr. Ervin obtained the floor.

Mr. ROBERTSON. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. ERVIN. I yield to the Senator from Virginia for a unanimous-consent request, with the understanding that I shall not lose the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, I ask unanimous consent to send to the desk four amendments to the pending bill. I ask that they be considered as read, be printed, and lie on the table.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Virginia? If not, the amendments will be received and printed, will lie on the table, and will be considered as having been read.

Mr. ERVIN. Mr. President, I offer my amendment, which is already at the desk, and which provides for striking out, on page 3 of the Dirksen substitute, lines 18 to 22, both inclusive.

The PRESIDING OFFICER. The amendment offered by the Senator from North Carolina will be stated.

The LEGISLATIVE CLERK. On page 3 of the Dirksen substitute, it is proposed to strike out lines 18 through 22, both inclusive.

The PRESIDING OFFICER. The question is on agreeing to the amend-

ment offered by the Senator from North Carolina to section 2 of the Dirksen substitute.

Mr. ERVIN. Mr. President, this is a very simple amendment. I wish to make a brief explanation.

My amendment would strike from section 2 of the Dirksen amendment in the nature of a substitute lines 18 to 22, both inclusive, on page 3, which read as follows:

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

I seek to strike those lines from the amendment in the nature of a substitute because they are contrary to two different provisions of the Constitution, namely, section 2 of article III and the sixth amendment.

Section 2 of article III, insofar as it is pertinent to this matter, reads as follows:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

The sixth amendment, insofar as it is pertinent here, reads as follows:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

Mr. President, the portion which I seek to strike violates both these provisions of the Constitution. It undertakes to provide three different places for trial: First, the Federal district where the crime was committed; second, the Federal district where the person is held in custody or confined; the third, the Federal judicial district in which the person is apprehended.

It is absolutely unnecessary to have this provision in the bill, because this entire matter is controlled by the rules of criminal procedure and by statute.

I invite the attention of the Senate to rule 18 of the Rules of Criminal Procedure, which reads as follows:

Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed, but if the district consists of two or more divisions the trial shall be had in a division in which the offense was committed.

Mr. President, that rule takes care of the situation where the crime to be created by this proposed new statute is committed in a State. In case it is committed on the high seas or outside a State in foreign commerce there is another statute which applies, namely, title 18, section 3238, of the United States Code. The reason it is left as a statute in this instance is that article III, section 2 of the Constitution provides that if a crime is committed within a State it must be tried in the State where the crime is committed, with the

proviso that if it is committed outside the jurisdiction of a State then it shall be tried at such place as Congress may direct. The provision in the statute takes care of crimes which are committed on the high seas or outside a State and Federal district.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ERVIN. In a moment I shall be happy to yield. The statute is still in force, and has not been superseded by the rules of criminal procedure, because of the constitutional provision to the effect that where a crime is committed outside the jurisdiction of a State, the trial shall be held at such place as Congress may direct. I invite the attention of the Senate to title 18, section 3238, which reads as follows:

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

It is not necessary to include the unconstitutional provision in the proposed statute, because the question of venue, or the place of trial, is already dealt with by rule 18 of the Rules of Criminal Procedure and by the statute which I have read.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the distinguished Senator from Massachusetts.

Mr. SALTONSTALL. I should like to ask the Senator if he would read the second part of the section which he has already read. The first part of it states that the trial shall be held in the district where the crime was committed. Then there was another section which the Senator read.

Mr. ERVIN. The second part is the general statute which deals with crimes against the Federal Government not committed within the jurisdiction of a State, or not committed within a State or a district. As the Senator knows, under section 2, article III, of the Constitution, all Federal crimes committed within a State must be tried in the State where the crime is committed. Then it contains a proviso that if the crime is not committed in any State, the trial will be held where Congress prescribes.

The sixth amendment to the Constitution restricts the trial further. It states that when the crime is committed in a State it must not only be tried in the State in which it was committed, but also in the Federal district in which it was committed.

The first situation, where the crime against the Federal Government is committed within a State, is dealt with by rule 18, which provides that the trial shall be had in the district in which the offense was committed. To take care of crimes against the Federal Government which are not committed within any State or, indeed, within any Federal district, there is a statute, title 18, section 3238, which reads as follows:

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or

district, shall be in the district where the offender is found, or into which he is first brought.

In other words, the law already deals with the question by constitutional measures. My amendment would strike out this unconstitutional provision in the Dirksen amendment.

Mr. SALTONSTALL. Does the Senator argue that the provision in the bill which he seeks to strike out is unconstitutional?

Mr. ERVIN. Yes. It is in violation of two different constitutional provisions. I merely seek to strike out the unconstitutional venue provision in the bill, allowing the matter to be governed by general law and rules of criminal procedure, which now are adequate to take care of the situation.

Mr. SALTONSTALL. Then I understand the Senator to say that somewhere in the criminal statute there is a provision which states that the trial shall be held in the State where the crime was committed unless the statute states otherwise.

Mr. ERVIN. Rule 18 of the Rules of Criminal Procedure states:

Except as otherwise permitted by statute or by these rules, the prosecution shall be had in a district in which the offense was committed.

Mr. SALTONSTALL. If Congress says it shall be tried somewhere else, is that unconstitutional?

Mr. ERVIN. Yes; it would be unconstitutional for Congress to say that the trial can be held anywhere except in the State and district in which the crime is committed, unless the crime is committed either on the high seas or some place outside a State or district.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Colorado.

Mr. CARROLL. As the Senator from Colorado understands, what was done previously by the Goldwater amendment was to perfect a new section 1074, dealing with flight.

Mr. ERVIN. That is correct; flight in interstate and foreign commerce.

Mr. CARROLL. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. Bush in the chair). The Senate will be in order during this debate, so Senators may hear what is being said.

Mr. CARROLL. In section 1073 a number of common law crimes were set up.

Mr. ERVIN. That is true.

Mr. CARROLL. This has to do with flight in the categories which the Senator has mentioned. Is that correct?

Mr. ERVIN. I might state to the Senator from Colorado that perhaps a part of this verbiage was suggested by a provision in title 18, section 1073, but it is quite different from what it is here.

Mr. CARROLL. That was my next question. The purpose was to narrow all this down. Briefly, as I read section 1073, it is almost identical with lines 18, 19, 20, and 21 of the so-called Dirksen amendment, except the last line, which reads: "or in the Federal judicial district in which the person is apprehended."

Mr. ERVIN. One other inconsistency is in the second paragraph of the present title 18, section 1073, which reads:

Violations of this section may be prosecuted only in the Federal district—

And so forth. The word "only" is left out in the Dirksen amendment.

Mr. LAUSCHE. "Only" where?

Mr. ERVIN. The Dirksen amendment provides:

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement or in the Federal judicial district in which the person is apprehended.

Section 1073 of title 18 provides:

Violations of this section may be prosecuted only in the Federal judicial district in which the crime was alleged to have been committed or in which the person was held in custody or confinement.

As the Senator will note, under title 18, section 1073, the prosecution could be had in two places. First, in the Federal judicial district in which the original crime was alleged to have been committed; and second, in the Federal judicial district in which the accused was held in custody or confinement.

As set forth in title 18, section 1073, it is perfectly constitutional, to lay the venue in the State and Federal district where the crime was committed.

But here we have a different situation. Three separate matters are set forth, and two of them are clearly offenses against the Constitution.

Mr. CARROLL. I agree completely with the able Senator from North Carolina that the statement on line 21, "or in the Federal judicial district in which the person is apprehended," clearly violates existing law. Does the Senator from North Carolina propose to substitute the last section of section 1073 for lines 18 through 22?

Mr. ERVIN. No. My purpose is to strike out the entire language and to be governed by general law, which is sufficient. It provides that if a crime is committed in a State or district, the trial must be held in that State or district, according to the Constitution.

If the crime is committed on the high seas or outside the jurisdiction of any State or district, then the case can be tried, under the Constitution, where Congress directs, and Congress has already directed in that case that the trial shall be held in the district in which the offender is found or into which he is first brought. So the general law is already clear concerning that phase. We ought not to place a provision on venue in the bill, because, in my judgment, the matter is covered by general law.

Mr. CARROLL. In view of the fact that the second section of section 1073, which is the existing law, under which many cases have been brought, is the same flight statute which we have now brought into a new section 1074, would not the Senator from North Carolina believe it to be safer to adopt the second section of 1073? No harm could come from that. It is not unconstitutional. Decisions have been rendered under it.

It seems to me that the action previously taken by the Senate would be strengthened.

Mr. ERVIN. I do not believe that would be wise, because the first part of the second clause is somewhat ambiguous. It reads:

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed.

That provision contains an ambiguity. The language might be interpreted, as it refers to the section which prohibits fleeing across State lines after the commission of certain crimes, as relating to the original offense against State law, or to the place where the Federal violation was committed.

I think where a general rule and a general venue statute which are clearly constitutional are in effect, and apply to other crimes, it would be better and safer to rest on the general rule and the general statute.

Mr. CARROLL. Mr. President, will the Senator yield, so that I may compound a parliamentary inquiry?

Mr. ERVIN. I yield for that purpose.

Mr. CARROLL. Mr. President, what is the legislative situation now? Is there an amendment pending to strike out certain language?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from North Carolina to strike out lines 18 through 22, on page 3 of the Dirksen amendment.

Mr. CARROLL. Would it be in order at this time to offer an amendment in the nature of a substitute to the amendment of the Senator from North Carolina?

The PRESIDING OFFICER. The Senator may offer such an amendment.

Mr. CARROLL. I do not have the floor, and I do not mean to take up the time of the Senator from North Carolina, but if the Senator from North Carolina will yield, so that I may state the purpose of my proposal, it is my hope that we could adopt section 1073 in identical language, and substitute it for the Dirksen proposal, which I agree is not only ambiguous, but is certainly contrary to present law.

Later, we who are members of the Committee on the Judiciary, which is where the bill really should have been discussed at length, because it involves the treatment of a criminal statute, could work out our legislative will.

It seems to me there is no more ambiguity under section 1074, a new section, than there is under section 1073, which has been on the books since the passage of the Fugitive Felony Act 25 years ago.

Mr. ERVIN. There is a difference. I dislike to disagree with the Senator from Colorado, because we are in agreement on the broad principle. However, title 18, section 1073, is an entirely different kind of section. It deals with flight to avoid prosecution for specifically named crimes created by State law.

Title 18, section 1073, makes it a Federal crime for a person to move or travel in interstate or foreign commerce to avoid prosecution, or custody, or confinement after conviction, under the laws of



the State from which he has taken flight for murder, kidnaping, or other specific crimes. In the one case, he is fleeing from arrest or prosecution or punishment for violation of specific State laws creating specific State crimes. In this case, he is fleeing not from the violation of specific State laws creating specifically named State crimes, but to avoid arrest, prosecution, or confinement for violations of general State laws defining crimes according to general terms.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. I was under the impression, from the responses to my questioning, that a new Federal statute would not be created, in the sense that this was a Federal crime; that we were merely creating a new statute to be included within the common law crimes under the Fugitive Felon Act, to avoid prosecution or to avoid the giving of testimony. I thought we were seeking to enlarge the Fugitive Felon Act.

Mr. ERVIN. The Senator is correct to this extent. Under section 1073, specific crimes are described by name. The crimes in the new proposal are not crimes described by names, but by generic terms, according to their nature.

Mr. CARROLL. Fire or explosion.

Mr. ERVIN. They are undoubtedly the requirements in the second paragraph. But the venue under section 1073 has reference to the original crimes referred to in State law.

Mr. CARROLL. I agree with the Senator from North Carolina; but my concept is that we will have created a new crime under the Federal statute. That is, if somebody bombs a structure in Colorado, whatever the nature of the structure, it will not be a Federal offense; it will be a State offense; and the only time the Federal Government will invoke its jurisdiction will be not to supplant, but to supplement, in the case of flight.

Mr. ERVIN. That is true; but instead of having specific crimes described, we are getting generic crimes designated by the nature of the crime, which is much broader, as I see it.

The first description of venue, it seems to me, is susceptible of two interpretations. One is that referring to the place where the State crime was originally committed. In the other case, we are talking about the Federal crime. To which is the Senator referring?

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I have promised to yield next to the Senator from Pennsylvania [Mr. CLARK]; then I shall yield to the Senator from New York.

Mr. CARROLL. Let us assume that a bombing has taken place in Colorado, and that there is flight from that bombing into another State. The Federal Government could arrest the person who is in flight, but he would be tried in Colorado. If he went to California, he would not be tried in California; he would have to be tried in Colorado. That would be true of a witness who left Colorado and went to California.

By the action it took a few minutes ago, the Senate has proceeded, by its use of the generic terms in reference to destruction by fire or explosion, to include a large category of crimes, has it not?

Mr. ERVIN. Oh, yes, much vaster.

Mr. CARROLL. The provision now before us would merely permit the FBI to take action in respect to another field, would it not?

Mr. ERVIN. Yes; this provision would make it a Federal crime for a person to commit any State crime which came within these generic terms and then flee across a State line, for certain purposes.

Mr. CARROLL. Yes. So the crime is merely that of flight, is it not?

Mr. ERVIN. Yes, with the requisite purpose.

Mr. CARROLL. And the prosecution would be had where the crime was committed.

Mr. ERVIN. Yes. Under the Constitution, the prosecution has to be in the State and in the district where the crime was committed.

Mr. CARROLL. That is true.

Let me say that I believe it would be safer if we were to strike out these lines, and were then to move to the last section; that is, section 1073. Then we could examine it during the months ahead, and no harm would be done, because there is ample precedent.

I thank the Senator from North Carolina for yielding.

Mr. ERVIN. Mr. President, the reason why I disagree with the Senator is that I believe that matters of venue, like questions of procedure, should be governed by the rules and statutes relating to venue and procedure and not dealt with in statutes creating new crimes.

Mr. CLARK. Mr. President, will the Senator from North Carolina yield?

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator from North Carolina yield to me?

Mr. ERVIN. I promised to yield to the Senator from Pennsylvania; and I now yield to him.

Mr. CLARK. Mr. President, let me ask the Senator from North Carolina whether I am correct when I say that section 2 of the Dirksen amendment, which would create a new section 1074, would create a new Federal crime; namely, to flee across a State line, after having bombed or set fire to certain structures.

Mr. ERVIN. That is correct.

Mr. CLARK. So the crime would not be the bombing or the setting afire; the crime would be the crossing of a State line in order to avoid apprehension or prosecution or conviction; is that correct?

Mr. ERVIN. I would say the crime would be fleeing to another State—fleeing in interstate commerce with the requisite intent.

Mr. CLARK. Therefore, the crime would not be committed in either State; and therefore I suggest it is not subject to the arguments in regard to unconstitutionality, which the Senator from North Carolina has made, because the

crime would consist in crossing a State line, and therefore the crime would take place either in neither State or in both States.

Mr. ERVIN. I think the crime would be the fleeing in interstate commerce, and would be completed by the crossing of the State line.

Mr. CLARK. Therefore, I am unable to see—and I ask the Senator from North Carolina this question, because I should like to be able to understand—why the Senator thinks it is not unconstitutional to try a man who has committed a crime on the high seas and has been brought into a certain district, from the high seas—why it is not unconstitutional to try him there, but why it is unconstitutional to try such a man in the Federal judicial court district in which he is apprehended, which in all likelihood will be the district to which he fled, and where he was caught. But if he were tried somewhere else, it seems to me this section would be interpreted constitutionally, and it would not be permissible for him to be tried there.

Mr. ERVIN. The answer is to be found in section 2 of article III of the Constitution, as follows:

But when—

And here I interpolate the words "the crime is"—

not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

When the crime is committed on the high seas or when the crime is not committed in any State, then Congress has power to declare where the crime shall be tried. And Congress has declared its will in this instance in the statute to which I have alluded.

Mr. CLARK. Does the Constitution not require a finding that the crime of fleeing is committed in both States—which I question; but the Senator from North Carolina himself has proceeded on that basis, has he not?

Mr. ERVIN. The crime will have been completed when the man who is fleeing begins to cross a State line; the crime is completed when he puts his foot across a State line.

Mr. CLARK. And therefore the crime will not have been committed in either State.

Mr. ERVIN. It will have been completed when he reaches the second State.

Mr. CLARK. Yes, if he is apprehended there. Why would it be unconstitutional to try him there?

Mr. ERVIN. I am not attempting to prevent that.

But the bill as it now reads provides that he may be tried wherever he is apprehended. A man might commit one of these offenses in North Carolina, and might flee across the State line into Virginia, to avoid apprehension or prosecution. Under those circumstances, and under the bill as it now stands, he would not be guilty unless he fled in interstate commerce or foreign commerce with a specific intent; namely, to avoid prosecution or custody or confinement after conviction.

Mr. CLARK. I understand.

Mr. ERVIN. It is conceivable that such a person could flee from North Carolina to Virginia, with that intent, but that he would not be apprehended in Virginia; and thereafter he might decide to move to California because he liked the climate in California. If he then went to California, and if he were apprehended in California, under this provision he could be tried in California, even though the Constitution prohibits that, because he would not have committed a crime by being in California, if he did not go there for the specific purpose of avoiding prosecution, custody, or confinement after prosecution. In other words, he would not be guilty if he went to California for another purpose.

Mr. CLARK. I think the Senator from North Carolina has a point there. But in the ordinary case the man would be apprehended in the State to which he fled; and if he were tried in the State to which he fled, after crossing the State line, does the Senator from North Carolina agree that it would be appropriate for him to be tried there—for instance, if he fled from Maryland to Pennsylvania?

Mr. ERVIN. The crime would be completed when he crossed the State line with that specific intent; but if he crossed any number of State lines without that specific intent, he would not have committed that crime.

Mr. CLARK. We understand that. But if he fled from Maryland to Pennsylvania with the intent to which we have referred, and if he were apprehended in Pennsylvania, does the Senator from North Carolina agree that the man could be tried in Pennsylvania?

Mr. ERVIN. Yes, because the crime would have been completed when he crossed the State line into Pennsylvania.

Mr. CLARK. Then, if he could be tried in Pennsylvania, I am inclined to agree that my friend's argument is a correct one—namely, that it would be unconstitutional to try him in New York, if later he went to New York and were apprehended there.

Mr. ERVIN. The statute, however, would provide that he could be tried anywhere he was apprehended. So it would not make any difference.

Mr. CLARK. But the statute could not override the Constitution.

Mr. ERVIN. No; but the statute would attempt to do so. Since we already have some sound general statutes in this field, why not leave them as they are?

Mr. KEATING. Mr. President—

Mr. ERVIN. I yield to the Senator from New York.

Mr. KEATING. The point I wish to raise is very similar to the one raised by the Senator from Pennsylvania.

As I understand the Senator from North Carolina he is now saying that the only case in which the last part of this section could be construed as being unconstitutional would be one in which the man was tried in a jurisdiction in which he happened to be apprehended after his flight had stopped.

Do I state the fact correctly, according to the thinking of the Senator from North Carolina?

Mr. ERVIN. I do not believe I quite follow the Senator's question.

Mr. KEATING. Let me put the matter in this way: The sixth amendment to the Constitution provides that:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law.

The crime here under consideration is flight, not the burning or the bombing. If we include this section, we shall have ascertained by law that the crime was committed either in the State where the man burned the building or in any other State to which he went, while in flight. Would my friend go along with that line of thinking?

Mr. ERVIN. I think the crime is committed when a man flees in interstate commerce, when he goes from the State where he did the burning or used explosives into the next State. I think the crime is completed when he goes across the State line.

Mr. KEATING. Does not the Senator think that if he continued to flee into the third, fourth, or fifth State, he would still be fleeing and would still be committing the crime?

Mr. ERVIN. If he kept fleeing with the previous intent, he would be committing the crime every time he crossed a State line.

Mr. KEATING. I believe, and the Senator from North Carolina can check me on this statement, that the House bill does not contain the words "or in the Federal judicial district in which the person is apprehended."

In other words, the House language follows section 1073 of title 18. Am I correct in that statement?

Mr. ERVIN. I do not recall the provision of the House bill.

Mr. KEATING. It would seem to me, if we are to do anything here, at least it would be better to follow the language of the House bill, rather than to strike out in an entirely different direction.

Mr. ERVIN. Here is the trouble. If we adopted the language of the previous section, section 1073, title 18, we would take away and deny venue that is provided in section 3238, wherein it is clearly stated:

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Mr. KEATING. If there were put into the wording of section 1074, after the word "apprehended" some language indicating, "while fleeing with the same intent," or words to that effect, would the Senator agree that there would be no constitutional inhibition against this clause? It would make it clear that he would have to have been apprehended while he was still in flight.

Mr. ERVIN. That might be so in that case, but it would not cover a crime on the high seas or outside the jurisdiction of a State. We have a statute in harmony with the Constitution which deals

adequately with this situation. It seems to me the wise thing to do is to strike out the proposed language and let the general rule and general statute cover the situation.

Mr. KEATING. I call attention to the fact that this language follows section 1073, under the heading, "Flight to avoid prosecution or giving testimony." In that section we have the exact wording of what I understand is contained in the present House bill.

It seems to me questions might be raised if we were to follow section 1073 with section 1074 containing different standards.

Mr. ERVIN. The trouble with title 18, section 1073 is, in part, that it excludes crimes committed in foreign commerce, that is, outside of the jurisdiction of any State. When the crime occurs outside the jurisdiction of a State, a person cannot be prosecuted under the venue prescribed by title 18, section 1073.

Mr. KEATING. My attention has been called to the fact that I was not quite accurate in saying that the House bill, as it now reads, ends with the word "confinement," because the following language is added to that language:

*Provided, however, That this section shall not be construed as indicating an intent on the part of Congress to prevent any State, Territory, Commonwealth, or possession of the United States of any jurisdiction over any offense over which they would have jurisdiction in the absence of such section.*

It seems to me that proviso would cover the point which the Senator from North Carolina made.

Mr. ERVIN. If I understand that correctly, it refers to a State crime. I am talking about a Federal crime which is committed inside a State, as distinguished from the high seas or crimes over which no State has jurisdiction.

Mr. KEATING. I think the Senator may have a point there.

Several Senators addressed the Chair. The PRESIDING OFFICER. Does the Senator from North Carolina yield; and if so, to whom?

Mr. ERVIN. I shall yield first to the Senator from South Carolina [Mr. JOHNSTON], then the Senator from Tennessee [Mr. GORE], then to the Senator from South Dakota [Mr. CASE], and then, unless I change my mind, I shall yield the floor.

Mr. JOHNSTON of South Carolina. I thank the Senator for yielding to me.

Mr. JOHNSON of Texas. Mr. President, we cannot hear the discussion. Will the Senator from South Carolina speak a little louder so we can hear him?

Mr. JOHNSTON of South Carolina. I think the Senator said that we have enough laws on the statute books providing where a man can be tried. Is that correct?

Mr. ERVIN. That is correct, covering cases where a crime is committed inside of a State and Federal judicial district, and also where it is committed on the high seas or outside any State.

Mr. JOHNSTON of South Carolina. We have laws on the statute books for criminals who cross State lines. Is that correct?

Mr. ERVIN. Yes.



Mr. JOHNSTON of South Carolina. Let me give the Senator a hypothetical case. Let us assume that a laboring man in New York bombs a plant there. They do nothing to him. Later he starts on a trip going to Florida and comes through South Carolina, and we stop him and arrest him. Under the law, could he be tried in South Carolina?

Mr. ERVIN. Not unless he crossed the State line with the specific purpose in mind of avoiding prosecution. If he came to South Carolina merely to admire the scenery and enjoy the salubrious atmosphere, they could not do anything to him.

Mr. JOHNSTON of South Carolina. But if he left New York and started for Florida with the intention of avoiding prosecution, and he came into South Carolina, we could try him there. Is that correct?

Mr. ERVIN. Yes, provided he crossed the South Carolina line with that intent.

I yield now to the Senator from Tennessee.

Mr. GORE. The distinguished Senator has said that the gravamen of the crime, if I understand, is flight in interstate commerce for purposes enumerated in the bill. The Senator has constructed an instance in which the bombing may have occurred in North Carolina. The Federal crime then would be consummated upon flight into Virginia. The Senator has said in that case the accused could be properly tried within a Federal district court in the State in which the crime of flight was consummated. Then the Senator has gone one step further and has said this accused may have decided, for other reasons, to go to California, and therefore he could not, under the Constitution, as the Senator says, be tried in the State of California. Is that correct?

Mr. ERVIN. That is correct, because he would not commit a crime when he went there.

Mr. GORE. Of course, the motive for the further travel may be subject to question. Let me ask the Senator a hypothetical question about a case when the motive could not be involved.

Let us suppose that the accused had, before the act of bombing a school in North Carolina, committed petty larceny, or grand larceny, or an act of arson, or all three, in the State of Tennessee. Let us suppose the accused then traveled to North Carolina, where he destroyed a church, a synagogue, or a school. Then, in order to avoid prosecution or custody, let us assume he fled into Virginia. Before his crime of flight was detected let us assume the Governor of the State of Tennessee asked for extradition of this accused from Virginia back to Tennessee for the purpose of prosecution for the crime of petty larceny, or grand larceny, or arson, or all three. At the time the accused's flight from the State of North Carolina into the State of Virginia for the purpose of avoiding prosecution or apprehension was discovered, he would be confined in the State of Tennessee.

In those circumstances I ask the able Senator to look at the second of the three provisions, which would fix venue,

which has not been specifically referred to in this debate. According to the amendment, the accused could then be prosecuted in the Federal district court in which he was held in custody or confinement. According to this hypothetical case the accused would be held in confinement in the State of Tennessee for the commission of an entirely different crime in the State of Tennessee. Under those circumstances, would not the pending amendment propose to fix venue in the State of Tennessee?

Mr. ERVIN. I think the Senator from Tennessee has put an incorrect interpretation on the matter. The language is in the past tense. It refers to where the man has been in confinement and he breaks out of confinement and flees across the State line. He would not be subject to being tried, in that case, where he was in confinement.

Mr. GORE. Where is the provision that the accused must break out of confinement?

Mr. ERVIN. The violations are to be prosecuted "only in the Federal judicial district in which the original crime was alleged to have been committed"—"or in which the person was held in custody or confinement." It does not say, "in which the person is held in custody or confinement," but says, "in which the person was held in custody or confinement."

The accused would be committing a crime if he broke out of custody or confinement and fled across the State line with the requisite intent.

Mr. GORE. Mr. President, will the Senator yield further?

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Does the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. The language does not specify for what purpose the man was held in custody or confinement.

Mr. ERVIN. The statute refers to the custody or confinement from which the man is fleeing.

Mr. CASE of South Dakota. Mr. President, will the Senator yield to me?

Mr. GORE. But the provision in the amendment is not specific in that regard.

Mr. ERVIN. I would say that the first part of the amendment would create the crime of fleeing from custody or confinement.

Mr. GORE. I agree.

Mr. ERVIN. Title 18, section 1073, refers to the custody or confinement where he was—not where he is, but where he was. That is the custody or confinement from which he fled.

Mr. GORE. Mr. President, will the Senator yield further?

Mr. ERVIN. I yield.

Mr. GORE. It seems to me that this is an additional case in which the amendment would seek to fix venue contrary to the constitutional provisions which the able Senator has cited. Indeed, the person may have been held in custody or confinement in a third State.

Mr. ERVIN. The difference between this amendment and the other language is that this amendment says, "is apprehended."

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ERVIN. I will yield to the Senator from South Dakota in just a moment.

Mr. GORE. I respectfully suggest that the Senator may be placing an interpretation on the second of these provisions more adverse to his position than is actually the case.

Mr. ERVIN. The point I am making is that I think the language is in the past tense, and I think it refers to the confinement from which the man fled, the confinement for which he was in custody, rather than saying the man is to be tried at the place where he is in custody. I do not know whether I make myself clear on that.

Mr. GORE. The Senator makes his meaning clear, but I am not sure that his understanding of the provision comports with its actual terms.

Mr. ERVIN. That is why I am not in favor of bringing this forward. I think section 1073 of title 18 is very ambiguous. Rule 18 and the general statute about where a court tries a man who commits a crime against the Federal Government on the high seas or outside of any State or district, is very clear.

I am simply trying to clarify the situation, because section 1073, title 18, United States Code, clearly excludes prosecution of any person who commits a crime on the high seas or outside of a State or a Federal district.

Mr. GORE. I agree with the statement the able Senator has just made. What I am attempting to project is the possibility, remote though it may be—such a possibility might determine the constitutionality of the provision—of a person being held in custody or confinement in a State in which a building was not bombed and also in a State to which he had not fled.

Mr. ERVIN. Yes.

Mr. GORE. The accused may have been removed to a third State against his will.

Mr. ERVIN. There he could not be guilty of the crime, as the Senator has pointed out.

Mr. GORE. But the bill plainly says that the man may be prosecuted in the Federal district in which he is held in custody or confinement. Either my interpretation is correct, or the language is ambiguous and the meaning uncertain.

Mr. ERVIN. I think the language is ambiguous, but I think that, being in the past tense, the language refers to the custody or confinement from which he fled.

Mr. GORE. Perhaps so, but does it necessarily follow, because the language is in the past tense, that he was in custody or confinement for the particular crime of flight in interstate commerce, referred to in the amendment?

Mr. ERVIN. That is another ambiguity. That is one of the reasons why I think the Senate would do a real service to the cause of law enforcement if it were to adopt my amendment.

Mr. GORE. I agree with the Senator's amendment. It seems to me that the present statutes and rules are ample

to cover this situation. There is no purpose or desire on the part of the Senator from North Carolina that any person guilty of the crime created by the pending provision should be able to avoid prosecution.

Mr. ERVIN. I am trying to facilitate prosecution, and make the situation clear.

Mr. GORE. I agree with the Senator further. I was only trying to point out another instance in which the Dirksen amendment is either ambiguous or uncertain of meaning, or in which an unconstitutional attempt is made to fix venue.

Mr. ERVIN. I think the Senator has done so very effectively.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CASE of South Dakota. I respectfully suggest that I think the answer to both questions is found by reading the first part of the second proposal, in line 16, above. The language is:

Whoever moves or travels in interstate or foreign commerce with intent either (1) to avoid prosecution, or custody, or confinement after conviction, under the laws of the place from which he flees, for willfully damaging or destroying or attempting to damage or destroy by fire or explosive any building, structure, facility, or vehicle, if such building, structure, facility, or vehicle is used primarily for religious purposes or for the purposes of public or private primary, secondary, or higher education, or (2) to avoid giving testimony in any criminal proceeding relating to any such offense—shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

It seems to me that in the language of the first part of this section is found the answer both as to the question of the custody and confinement, and also the question of constitutionality.

I further suggest that the words "with intent" should not be overlooked. If the person who violated the law of the place from which he fled crossed the State line into another State with the intent to avoid prosecution or to avoid giving testimony, then the Federal crime was committed when he crossed the State line with that intent. If he went to a second, third, or fourth State with that intent, he would still come under the new definition of a Federal crime. But if he went to a fifth State for another purpose, the burden would be on the prosecution to show that he went into the fifth State with that intent. If he did not go there with that intent, the provision would not apply to him, and the question of constitutionality would not arise.

With respect to the matter of custody or confinement, it seems to me clear that the custody or confinement referred to in the second paragraph relates to the custody or confinement mentioned in the first paragraph, because the language is:

Violations of this section may be prosecuted in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

In this section, the "custody or confinement" is custody or confinement after conviction under the laws of the

place from which he fled. It seems to me that those words answer both questions.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. ERVIN. Has the Senator from South Dakota concluded?

Mr. CASE of South Dakota. Yes. I submit that suggestion respectfully.

Mr. ERVIN. I agree that the Senator from South Dakota has stated the same proposition upon which the Senator from New York and I agreed a while ago, that so long as the person keeps going across State lines with the requisite intent, he commits a continuing crime every time he crosses a State line for that purpose. I am inclined to place the same interpretation as does the Senator from South Dakota on the language with reference to custody or confinement. However, the Senator from Tennessee has made a very able argument for a contrary interpretation. That is one reason why I think the best thing to do is to strike out all this language and go back to the rule and the general statute, which are clear. Thus we would get rid of all the ambiguities.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I promised to yield to the Senator from Colorado [Mr. ALLOTT].

Mr. ALLOTT. Mr. President, I thank the Senator for yielding. I should like to ask a couple of questions.

I cannot quite agree with the interpretation of the Senator from South Dakota. As I read the fore part of this section, in order to prove the total crime, 5 or 6 different elements must be proved, and I predict that there would be very few convictions under this section if we were to adopt it.

First, the person must move or travel with an intent. Then we come to the question which the Senator from South Dakota raises. The first intent is to avoid prosecution; the second intent, to avoid custody; and the third intent, to avoid confinement after conviction. However, the way the language is written, I do not think there is any justification for tying up custody or prosecution with confinement after conviction. In other words, if a person moves or travels in interstate or foreign commerce with intent to avoid prosecution—the language is "or custody," but that does not quite make sense; it should be "to avoid custody"—or "confinement after conviction," he commits a crime. If he moves or travels in interstate commerce with intent to avoid any one of those three things, he commits a crime, if the other necessary elements to constitute the crime are present.

The question has been discussed pretty well, but I should like to ask the Senator from North Carolina one question which has not been mentioned while I have been in the Chamber.

To take a hypothetical case, suppose we use as examples States which are adjacent to us. Suppose a man burns a church in Virginia, let us say, and then heads south on foot, and goes into North Carolina. Is it the opinion of the Senator that a man who travels on foot with the intent to avoid prosecution after

committing an express crime is then engaged in interstate or foreign commerce?

Mr. ERVIN. In the hypothetical case put by the Senator, I believe that if the person goes from Virginia to North Carolina on foot to avoid prosecution in Virginia, he comes within the description. He is fleeing in interstate commerce to avoid prosecution, and comes under the bill.

Mr. ALLOTT. I have tried to make the example as simple as I can. Under the commerce clause of the Constitution, for regulating commerce as between the several States, if a man is fleeing under the circumstances described, on foot from one State to another, it can hardly be said that he is engaged in interstate commerce.

Mr. ERVIN. He is engaging in interstate commerce in the technical sense if he carries himself across the State line. The Courts have held that if a man transports a woman across the State line for immoral purposes, he is engaged in interstate commerce. So if he carries himself across the State line he may be said to be engaged in interstate commerce.

Mr. ALLOTT. I think there may be a serious question as to whether, in this instance, a man would actually be engaged in interstate or foreign commerce. If he were not, this whole section would be void.

Mr. ERVIN. Congress has the authority to regulate interstate commerce. I believe that the movement of anyone across the line, even a man's own person, would be in interstate commerce. I think that situation would be covered.

Mr. ALLOTT. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ERVIN. I am delighted to yield to the Senator from Florida.

Mr. HOLLAND. It is correct to say, is it not, that there are Federal statutes now on the books which make it a crime to flee from prosecution in the case of various heinous crimes, such as murder, rape, and the like?

Mr. ERVIN. Yes.

Mr. HOLLAND. It is a fact, is it not, that we have adequate legislation on the books to prescribe the venue under the various circumstances which may be presented in those cases?

Mr. ERVIN. Yes.

Mr. HOLLAND. Since there is adequate venue jurisdiction provided for in these cases, why is it necessary to write a completely new and troublesome provision prescribing three separate venues, and no others, for this particular kind of flight from justice?

Mr. ERVIN. That is one thing I cannot understand. I am not a Greek bearing gifts, and I am rather surprised that the distinguished minority leader, the sponsor of the Dirksen substitute, does not accept my proposal. It would clarify the whole situation and leave it to be guided, as the Senator from Florida says, by the general statute and the general rule which deal with venue in accord with the Constitution.

Mr. HOLLAND. If the Senator will yield for one further observation, I should like to say that, in view of the



fact that there are more serious crimes for which flight is made a Federal offense, and in view of the fact that there is a provision already on the books prescribing for venue in those cases, it seems to the Senator from Florida that, rather than attempt to prescribe a new rule, heretofore unstated anywhere, which would be both a limitation and an extension of venue, by all means, the distinguished Senator from North Carolina is right in preferring to stand behind the general law now existent and applicable to many more cases of flight with respect to many more serious crimes than would be the case here.

Mr. ERVIN. If I may add to the observation of the Senator from Florida, I will say it is very unwise to proceed in this particular case in this way. We have attempted, so far as the Constitution permits us to do so, to let the question of venue and matters of procedure be controlled by rules of court rather than by acts of Congress. This whole attempt flies in the face of that practice which has always been thought to be a sensible approach to this situation.

Mr. HOLLAND. If the Senator will permit one further observation, does not this attempt make it appear again, as it has already been made to appear several times in this debate, that the ardent and zealous advocates of civil rights—"liberals," as they are self-styled—put that field of legislation so very high that they forget about more important matters which have been adequately handled and which are properly handled by legislation already on the books, and which could well be followed here?

Mr. ERVIN. I believe there is some justification for the observation made by the distinguished Senator from Florida. The only reason why I am interested in this section is that it is one section of the bill for which I expect to vote. I could vote for it with a clearer conscience if I did not think it was an affront to the Constitution in its venue section.

Mr. HOLLAND. The Senator from Florida expects to vote for this section. He voted for the Goldwater amendment after stating that this is one section, in addition to another one with respect to the impounding of voting records, for which he can gladly vote. He would be happier about voting for it if it were permitted to come under the wholly adequate laws of venue and rules of venue already prescribed, rather than to try to state a new and special doctrine, as is stated in section 2 of the Dirksen amendment.

Mr. JOHNSTON of South Carolina. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. JOHNSTON of South Carolina. Is it not true that if we adopt this section of the bill dealing with venue, it would create a great many new cases that would go to the Supreme Court on constitutional grounds?

Mr. ERVIN. Yes.

Mr. JOHNSTON of South Carolina. Has the distinguished Senator ever heard of any lawyer who wanted this provision changed?

Mr. ERVIN. I have not. As a matter of fact, we are dealing with two situations here. The first is where the crime is committed in a State and in a Federal judicial district. It must be tried, under the Constitution, where the crime is committed. The proposal in the Dirksen amendment is in conflict with that provision. Then the proposal excludes the other situation, where a crime is committed on the high seas or outside a State and Federal district. There is another statute enacted under the third article of the Constitution which states that Congress can prescribe the place of trial for Federal crimes committed on the high seas or outside any State. The bill excludes crime of that character just as the section 1073 of title 18 does.

Mr. JOHNSTON of South Carolina. I agree with the Senator in everything he has said except one thing, and that is, I am not going to vote for this section because I do not believe the Federal Government has any right to go into a State as is proposed.

Mr. ALLOTT. Mr. President, will the Senator from North Carolina yield?

Mr. ERVIN. I yield.

Mr. ALLOTT. The Senator has been on his feet for a long time, and I appreciate his courtesy. If the Senator's amendment prevails, and a man violates the first section of this section, which refers to the crime of flight to avoid prosecution, and if the man has committed the crime in the State of Virginia and has been convicted in the State of Virginia and has been confined there, but then flees—

Mr. KUCHEL. Mr. President, will the Senator speak up, so we can hear him?

Mr. ALLOTT. If he flees to the first State to the south, which is North Carolina, if the Senator's amendment prevails, where would that man be prosecuted?

Mr. ERVIN. He would be fleeing from imprisonment after conviction under the Virginia law. If he fled across the line from Virginia into North Carolina, he would be triable in North Carolina, in the middle or eastern or western district, depending on where he crossed the line.

Mr. ALLOTT. If he travels into South Carolina and is thereafter apprehended there, he would have committed another crime, would he?

Mr. ERVIN. He would be triable in the South Carolina district, if he had the requisite intent. It would be a continuing crime.

Mr. ALLOTT. I am inclined to agree with the Senator, but I should like to have the RECORD straight on this point. He would be triable in either North Carolina or South Carolina if he had gone from North Carolina into South Carolina?

Mr. ERVIN. The Senator from Florida suggests to me—and I think he is correct—that in that case it would be a continuing crime, if he kept on fleeing. Perhaps he could be tried in either State, but tried only once, because it would be a continuing crime.

Mr. ALLOTT. The Senator believes it would be a continuing crime?

Mr. ERVIN. Yes.

Mr. ALLOTT. That is an important point.

Mr. ERVIN. The statute applying in the case of a person who steals an automobile and drives it across various State lines expressly provides that in that case it is a continuing crime.

Mr. ALLOTT. I should like to ask the Senator one further question. He spoke earlier about interstate commerce. I am somewhat concerned about that question. I asked the Senator, under the hypothetical case I gave him, with respect to a man who burned a church and then walked or ran across the line from Virginia into North Carolina. I asked him if he thought that was in interstate commerce as the bill describes it. His reply was that that was true. Let me ask the Senator another question: Is it not true, even assuming that is interstate foreign commerce, that it is almost necessary to admit that the Federal Government has no right to regulate the movement of an individual between States?

Mr. ERVIN. I believe the Federal Government has the right to regulate any movement of persons or vehicles or property of any kind, or messages, across State lines. I believe the Senator from New York [Mr. KEATING] will agree with me.

Mr. ALLOTT. I do not believe the movement of a person from one State to another can be regulated by the Federal Government. The Government has the right to regulate commerce, including telegrams, telephone messages, common carriers, and business; but I do not know of anything in the Constitution which gives the Federal Government the power to prohibit the movement of an individual from one State to another.

Mr. ERVIN. I would not go so far as to say that the Federal Government has that power, but I believe—

Mr. ALLOTT. Or to regulate such movements of persons?

Mr. ERVIN. Any kind of traffic across State lines is interstate commerce.

Mr. ALLOTT. What would the Senator do in the situation of a person who lives close to a State line, as, for example, I do. It surely cannot be said that because I decide to visit a swimming hole or a creek to do some fishing or to wet a line, across the State boundary, in Kansas, I am engaging in interstate commerce.

Mr. KEATING. Oh, yes.

Mr. ERVIN. If the Senator crosses the State line, I believe he is engaging in interstate commerce.

Mr. ALLOTT. If so, the Federal Government has the right to regulate the movement of persons across State lines. But I do not believe the Federal Government has the right to regulate the movement of a person across State lines, even if the person is merely wandering.

Mr. ERVIN. That is an interesting point. I believe a good argument could be made that for Congress to prohibit a person from crossing State lines would be to deprive him of liberty without due

process of law. But I believe that the movement of anything, either a person or an animal or a vehicle, or products of any kind, or even messages, across State lines constitutes interstate commerce.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KEATING. Would the Senator not agree that if the Senator from Colorado went over into Kansas and caught fish illegally, and then stepped back over the line, if Kansas wanted to make that a crime, it would be able to do so? Of course, I would not want to single out the Senator from Colorado as an example.

Mr. ALLOTT. The Senator from New York does not need to say "illegally"; I do catch them otherwise. [Laughter.]

Mr. KEATING. I will concede that. But any movement back and forth, I agree with the Senator from North Carolina, could be construed as commerce.

Mr. ERVIN. I would have to say that if the Senator from Colorado did not get any more cooperation from the fish than I have received the last few times I have gone fishing, the most he would be guilty of would be an attempt. [Laughter.]

Mr. GORE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. GORE. I had attempted to project the hypothesis of a man's whereabouts through an action involuntary on his part. It is not difficult to imagine a series of circumstances, particularly in cases where the boundaries of three or more States are very nearly at the same point, in which a person may very well be in the State in which the original act from which he has fled did not occur; nor is it the State in which the act of fleeing has been consummated. Therefore, how could the venue be fixed in the Federal court of the district in which the person was apprehended, when it might be in neither the district nor the State in which the crime of flight was committed?

Mr. ERVIN. The Senator is absolutely correct on that point. The city of Bristol, in Tennessee and Virginia, has the dividing line between the States running down the main street of the city.

Mr. GORE. I refer to Memphis, Tenn., where within the course of a few hundred yards a person can be in either Arkansas, Mississippi, or Tennessee.

Mr. CARROLL. Mr. President, is the Senator from North Carolina tired?

Mr. ERVIN. No. This is a most interesting question to me.

Mr. CARROLL. I may say to the Senator from North Carolina that if we can now begin to roll this up into a smaller ball, we might see where we are. First of all, we are now agreed that the new section, 1074, which relates to flight, makes flight in itself a separate crime. Is that not so?

Mr. ERVIN. Yes, when it is coupled with crossing a State line for the specified purposes.

Mr. CARROLL. Section 1073 also makes flight a separate crime, when it involves other types of crimes.

Mr. ERVIN. That is true.

Mr. CARROLL. I quote from the statement of the Attorney General before the Subcommittee on Constitutional Rights, page 190:

Since 1934 the Fugitive Felon Act has been the means for punishing persons who travel in interstate commerce with the intent to avoid prosecution under State law for certain listed felonies, or to avoid testifying in State felony proceedings. While the Fugitive Felon Act established such conduct as a Federal offense, its purpose was to supplement State law enforcement. Under the act the FBI can and does locate fugitives from State justice. When fugitives are arrested by the FBI, they are turned over for State prosecution and as a rule are not prosecuted for unlawful flight, except where for some reason State prosecution is impracticable or inadequate.

Here is a very important point for all of us, concerning why we, as lawyers, should not try to distinguish between tweedledee and tweedledum.

During fiscal 1957, 947 fugitives were located by the FBI proceeding under the Fugitive Felon Act. Of these only nine were prosecuted in the Federal courts under the act.

I believe that we have been referring only to section 1073. Those nine cases were initiated under that act. But Congress, whether it was wise or not, imposed a limitation, providing that flight prosecution could take place only where the original crime occurred. The general law is that prosecution may take place only where the original crime is committed or the jailbreaking takes place. Does the Senator not agree with me in that understanding? I may be wrong, but I do not believe there has been one prosecution in the place where a person has been apprehended.

I wish to clarify a statement I made 30 or 40 minutes ago, when the Senator referred to the Dirksen amendment as being unconstitutional. There is nothing unconstitutional about the establishment of a new Federal crime. The Supreme Court has ruled that the law relating to the Federal crime of flight is constitutional. What we did today was to add a new section, setting up, as the able Senator from North Carolina has said, in generic terms a new law which is clearly constitutional.

What concerns me is why we should leave out a section under which we have been operating for 25 years. In fiscal 1957, the Federal Government handled 947 cases.

Why did the Attorney General leave out of the Dirksen bill, if these are his words, the word "only" in line 18? Why did he include the new words "or in the Federal judicial district in which the person is apprehended"? There has never been such a prosecution, if my information is correct.

Why is the new power sought? Some representative of the administration should advise us why the Attorney General seeks—after 25 years—to extend the jurisdiction and to create a new venue.

This is why I say to the Senator from North Carolina that, by the same token, I do not fully comprehend why we should omit that little part of the section. I hasten to add that this is not through any fault of the able Senator from North Carolina. This language causes them to go back to the State, and that has been the practice for 25 years.

Let us consider the worst possible case: Suppose a religious edifice bombing occurred in State A, and were such a terrible bombing that all the people in that area were excited about it. If the man responsible for the bombing fled the jurisdiction, under this section, which I should like to see included, he would have to be brought back to State A; and if the State did not prosecute him, the Federal crime would have to be prosecuted in State A, not in State B or in State C.

So it seems to me we are complicating this issue. Therefore, I ask the Senator, Why omit that provision? I do not comprehend the reason.

Mr. ERVIN. I want to leave it out for several reasons. In the first place, I think it offends the Constitution, because the Constitution provides that when a crime is committed in a State and in a Federal judicial district, it is obligatory that the person who committed the crime be tried in that State and in that Federal judicial district.

Mr. CARROLL. But I think this has been the practice for 25 years. Under that practice, they have been prosecuted in those places.

Mr. ERVIN. The crime against the Federal Government will be the fleeing or the flight in interstate commerce; and that crime is not committed until the person flees across a State line, as I view the matter.

Mr. CARROLL. This point is a very important one. Does the Senator from North Carolina know of a single case in 25 years in which the Federal Government has prosecuted in the place where the man has been apprehended? From my reading of the statutes and the cases, I am under the impression—although I may be mistaken—that he can be tried only in State A, not in another State where he might be apprehended—according to existing law.

Mr. ERVIN. He cannot be tried in State "A" unless he entered that State in interstate commerce with the requisite intent. But this language is clearly unconstitutional, because it provides that the trial can be had other than in the place where the crime against the Federal Government was committed. It provides immunity from prosecution, for certain criminals, because certain crimes against the Federal Government are not committed in any State or in any Federal district; and in such cases, there could be no prosecution at all, under this provision.

Mr. CARROLL. But the Supreme Court has ruled on the constitutionality of this provision of section 1073.

Mr. ERVIN. The statute creating the crime is constitutional; I am not challenging that. In fact, I want to vote for



it. But, in order to vote for this section, I hate to have to vote for a venue provision which I think is unconstitutional.

Mr. CARROLL. Would the Senator from North Carolina say that the venue portion of section 1073—I refer to the small paragraph at the bottom—is unconstitutional?

Mr. ERVIN. Well, it certainly excludes any venue whatever for crimes committed otherwise than in States and Federal judicial districts.

Mr. CARROLL. This is what confuses me. I say with the greatest of respect for my friend, the Senator from North Carolina, that I cannot understand the reason why there is anything wrong with including this part of 1073, inasmuch as we have had 25 years of satisfactory experience with it.

Mr. LAUSCHE. Mr. President, will the Senator from North Carolina yield to me for a question?

Mr. ERVIN. I yield.

Mr. LAUSCHE. What part of the Constitution is violated when we deal, not with the offense, but with flight?

Mr. ERVIN. Of course, the flight statutes are based upon interstate commerce or foreign commerce.

Mr. LAUSCHE. That is correct.

Mr. ERVIN. But what concerns me about this is not the constitutionality of a statute which makes flight a crime under such circumstances—under those set out in this section of the bill. Instead, what concerns me is the provision as to where the crime is to be tried—in other words, the venue.

Mr. LAUSCHE. The only constitutional provision is that the trial shall be by jury in the State where the offense was committed.

Mr. ERVIN. In the State and in the Federal district where the offense was committed.

Mr. LAUSCHE. Yes.

Mr. CARROLL. That is right.

Mr. LAUSCHE. That is to say, for the basic offense. But this trial will be a trial for flight.

Mr. ERVIN. But that provision refers to the flight. The flight is the Federal offense, under this statute.

Mr. LAUSCHE. Yes. But the flight statute envisions flight from a crime or from prosecution for a crime.

Mr. ERVIN. Yes.

Mr. LAUSCHE. The Constitution applies to the place where the original crime was committed.

Mr. ERVIN. No; the Constitution applies to the place where the crime against the Federal Government was committed, as distinguished from the crime against the State.

Mr. LAUSCHE. Yes. But this provision refers to a Federal crime. We have made a Federal crime out of an act of this sort; and it is no longer to be a State crime.

Mr. ERVIN. We are providing for the punishment of such a person for the commission of a Federal crime; and the venue where the punishment is to be inflicted must conform to the Constitution; and the Constitution has two provisions in this field: If the crime is committed within a State and a Federal judicial district, the trial has to be held in

the State and in the Federal judicial district where the crime was committed. But if the crime was committed on the high seas or outside of a State and outside of a Federal judicial district, then, under article III, section 2, of the Constitution, the trial must be held at the place designated by the act of Congress. And the act of Congress on that subject is a general one, and provides that a person who commits a crime outside of a State and outside of a Federal judicial district shall be tried in the district where the offender is found or into which he is first brought. That is permissible only because the crime, in that sense, was not committed in a State and in a Federal judicial district, and therefore Congress has the power, under the Constitution, to designate the place of the trial.

Mr. CARROLL. Mr. President, I should like the Senator from North Carolina to yield further to me, so we may develop a record on this very important point, because it seems to me this is the crux of the matter.

Let us consider 1073, and let us consider a number of crimes. Let us assume that the defendant was in flight. First of all, before he violated the law, he would have to commit one of these crimes, and then he would have to be in flight. What would we provide in that connection?

I read:

Violations of the section—

The ones relating to flight—

may be prosecuted only in the Federal judicial district in which the original crime—

What crime? The crime spelled out here—  
was committed.

Mr. ERVIN. I think the original crime would be the crime against the Federal Government. The Senator from Ohio was questioning me about this a moment ago.

Mr. CARROLL. That is correct.

Mr. LAUSCHE. But in the matter before us we have made it a Federal crime to bomb and then to flee.

Mr. CARROLL. No, that is not correct—not to bomb; the flight will be the Federal offense.

Mr. LAUSCHE. Yes, I agree that the flight will be the Federal offense.

Mr. CARROLL. For example, we are dealing now with flight from a bombing. We assume that all of these crimes are common-law crimes; almost every State has laws dealing with arson, fires, and explosions. So the essence of what we are dealing with today is flight.

Mr. LAUSCHE. Yes.

Mr. CARROLL. So I am saying that the violations of law dealt with in 1073 are flight.

Mr. LAUSCHE. Yes.

Mr. CARROLL. I know that the Attorney General, and perhaps some of my friends, do not agree with me, because evidently the Attorney General seeks to have jurisdiction conferred in the place where such persons are apprehended.

I say let us not now provide for that; let us not depart from the law which we have been following for 25 years.

That is why I cannot comprehend the argument of my very good friend, the Senator from North Carolina, because I say that, today, in a bombing case, if a man bombs in violation of law, and then flees, he cannot be tried where he is apprehended, if I correctly interpret this proposed statute.

Mr. ERVIN. What interpretation does the Senator from Colorado place on the following:

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed.

To what does that refer? Does it refer to the State crime or to the Federal crime?

Mr. CARROLL. Let us not forget that the very purpose of the statute was, not to build a national police force, not to supplant State prosecution, but to supplement and, in my opinion, the language read, was a limitation imposed by Congress, in saying, in regard to these crimes, "When you pick them up, Mr. FBI, you do not try them in Colorado, if the crime was committed in State A. You bring them back to State A." The whole purpose of the statute was to pick up people in flight and bring them back so they could be prosecuted in the State where the crime was committed.

Mr. ERVIN. Does the Senator mean to say the State can prosecute?

Mr. CARROLL. Yes, because he violated a State law.

Mr. ERVIN. The Federal Government does not have the right to tell a State where the State is to prosecute criminals.

Mr. CARROLL. I ask the Senator not to place a misinterpretation on what I have said.

Mr. ERVIN. I do not know whether the Senator and I are in agreement or disagreement. Therefore, I am asking for the Senator's interpretation. What is the Senator's interpretation? I am reading from section 1073 of title 18 of the United States Code:

Violations of this section may be prosecuted only in the Federal judicial district in which the original crime was alleged to have been committed.

Mr. CARROLL. In my opinion, and I reserve judgment on this, Congress was talking about the original crime, not the flight, but the common-law crime which had been committed.

Mr. ERVIN. The trouble with that interpretation is that it is negated by the provision relating to the Federal judicial district. The Federal Government would have no right to regulate the venue of a State prosecution. Here it talks about the Federal district.

Mr. CARROLL. The words are that he may be prosecuted only in the Federal district in which the original crime had been committed. Why did Congress say only that Federal district? Was Congress referring to flight from one State to another, or was it referring to the common law crime? Let us have the next wording.

Mr. ERVIN. Before the Senator gets away from that wording—

Mr. LAUSCHE. Mr. President, if the Senator will yield, will the Senator from

North Carolina put his interpretation on what is meant by the words "original crime"?

Mr. ERVIN. Two interpretations have been placed on those words. One interpretation is that the words refer to the offense against State law. The other interpretation is that the words refer to the offense against Federal law. It can be argued both ways, but I am inclined to the belief that the words refer to the Federal crime because this is a statute relating to venue for the Federal crime created by the statute itself.

I think we are accomplishing some good by bringing out these points. This point has been discussed at some length on the floor of the Senate. Some persons have interpreted the language to mean one thing, and others another. That is one reason why I want to wipe out all ambiguity of meaning by my amendment.

Mr. CARROLL. Let me read the following words: "or in which the person was held in custody or confinement."

Which person? The person who was in flight. In other words, he had to be in custody. He had to be in jail. It would have been necessary for him to have broken out of jail, or to have been convicted and escaped. He would have had to be in flight.

What was Congress talking about? It was saying:

Violations of this section may be prosecuted—

Where?—

only in the Federal judicial district in which the original crime was alleged to have been committed or in which the person was held in custody or confinement.

To me it is perfectly clear that the words "original crime" refer to the specific common law crime, and not to a Federal crime. The junior Senator from Colorado may be wrong, but it is his interpretation. I think that is what Congress intended.

I have not had an opportunity to read the intent of Congress. May I ask the Senator from North Carolina if there is any passage in the legislative history which gives clarification on that point?

Mr. ERVIN. I really do not know. This section was passed before the custom was established of having matters of venue and procedure regulated by rules of the court, rather than by acts of Congress. I wondered why it is desired to do something which was thought outmoded.

Mr. CARROLL. I may consider the recommendation of the Senator from North Carolina. Let us suppose we left out this section. How does the Senator think that would clarify the situation under section 1074, for example? How would it be defined? Could persons be tried where they were apprehended in flight?

Mr. ERVIN. If the Senate adopted my amendment, it would leave these questions to the general law on the subject, and the general law on the subject is found in rule 18, which provides, in effect, that the prosecution shall be in the district where the offense was committed.

Mr. CARROLL. What offense—the flight?

Mr. ERVIN. The flight. In other words, there are two situations involved. If my amendment were adopted, the first situation would be covered by the rules of criminal procedure, which provide, in effect, that where a Federal crime is committed in a State and a Federal district, the person charged with the crime shall be tried in the State and the Federal district where the crime has occurred. The other situation is that article III of the Constitution provides that when a crime against Federal law is committed on the high seas or outside of a State and Federal judicial district, Congress can define the place of trial. Congress has defined it in title 18, section 3238, which provides:

The trial of all offenses begun or committed upon the high seas, or elsewhere out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

Those general rules, if my amendment were adopted, would put this section in conformity with the other law on the subject.

Mr. CARROLL. When were the laws relating to criminal procedure passed by the Congress, or have they been revised?

Mr. ERVIN. The statute to which I have just referred was revised last in 1948. I do not remember the year in which the statute became effective. The statute, about crimes on the high seas, was enacted in the infancy of the Nation, in order to take care of crimes by pirates, and so forth.

Mr. CARROLL. What the Senator from North Carolina is saying is that we are creating a new Federal statute, and we do not have to specify, as we did in section 1073, that the general criminal law is applicable. Having created this statute, if there is a bombing in State A, even though we have created a new law, the criminal will be tried in that State. Is that correct?

Mr. ERVIN. He will be tried in the State and Federal judicial district where he committed the crime, or, if it happened on the high seas or outside of any State, he would be tried in accordance with the provisions of this statute.

Mr. CARROLL. There is reference to Federal crimes.

Mr. ERVIN. In other words, my amendment would let the man be tried in accordance with general law, which is in conformity with the Constitution.

Mr. CARROLL. And the Senator thinks that would simplify the situation?

Mr. ERVIN. I do.

Mr. CARROLL. Flight is the essence of the crime itself. Where does the crime take place? At the beginning of the flight, or at the end, or in the crossing of a State line?

Mr. ERVIN. In my judgment the crime of flight is completed when the man goes across the State line. Then he has gone into interstate commerce.

Mr. CARROLL. Where would the man be prosecuted?

Mr. ERVIN. He would be prosecuted in the State into which he goes.

Mr. CARROLL. Rather than in the State from which he fled?

Mr. ERVIN. That is correct. I think the Constitution would require that.

Mr. CARROLL. I thank the Senator very much.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. KEATING. Is it rule 18 the Senator referred to as being the regular venue provision?

Mr. ERVIN. Yes.

Mr. KEATING. Is it the Senator's contention that if we struck out the last words, "or in the Federal judicial district in which the person is apprehended," and left the rest of the language, it would exclude the other provision in the code about the high seas?

Mr. ERVIN. Yes.

Mr. KEATING. The Senator thinks they are mutually exclusive? Would not the high seas provision apply, also?

Mr. ERVIN. No, I do not think so, because this would state exactly where the person was to be tried and would exclude the other.

Mr. KEATING. The Senator thinks it would take precedence?

Mr. ERVIN. The expression of one thing is an exclusion of another thing, as the Senator knows. That is a rule of interpretation.

In other words, there are two sets of crimes against the Federal Government under the division made in article III of the Constitution itself. One is where the crime is committed in a State and Federal district. Then the matter has to be tried in the State and Federal district where it occurred. Rule 18, and also a corollary to that, rule 19 on the same subject, would govern in that case.

In the other case the statute I read which provides for trials where the crime is committed on the high seas or outside the State and a Federal district, would prevail.

Mr. KEATING. It would follow, would it not, in considering the present provisions of section 1073, the other flight section, that if a crime such as enumerated were committed on the high seas or in a jurisdiction where no State had jurisdiction there would be a hiatus under the present section 1073, under the Senator's interpretation?

Mr. ERVIN. That strikes me as being so. I think my amendment should be agreed to for that reason, and also for the reason of the question of constitutionality, and also for the reason that I think we all agree—at least I trust the Senator from New York and I agree—it is more practical to allow questions of venue and procedure to be handled by rules rather than by statutes.

Mr. KEATING. I should like to pursue this question of constitutionality a bit further. The Senator would agree, would he not, that the way the question would be raised would be to have a defendant object to venue where he was being tried? Would that be the manner in which the question of constitutionality would arise?



Mr. ERVIN. Yes. I think there is a great difference between State and Federal rules on that. Venue and jurisdiction are virtually synonymous in the Federal courts, whereas in the State courts they are entirely different things.

Mr. KEATING. My point is that the constitutionality question could only be raised by a defendant in a criminal prosecution; it would not come up in any other way.

Mr. ERVIN. It would not come up in any other way, except that Members of Congress have taken oaths to uphold the Constitution, and if a Member of Congress thinks a legislative proposal contains an unconstitutional provision he owes an obligation to do something about it.

Mr. KEATING. I entirely agree with the Senator on that point, but I should like to pursue the other point.

Mr. ERVIN. The Senator from New York may be right in saying that so far as the question being raised in litigation is concerned, it would be incumbent upon the accused to raise it.

That would be true under the State law, but I am not so certain about whether it would be true under the Federal law.

Mr. KEATING. I think the Senator has already agreed with me that if a man were apprehended in any State where he was still in flight with the same intent he could be tried in the State.

Mr. ERVIN. I agree. I accepted the suggestion of the Senator from Florida on that point. I think that the accused would be guilty of a continuing offense, rather than separate crimes.

Mr. KEATING. I agree with that statement entirely. The only case where it could be open to a construction as being unconstitutional, it seems to me, would be a case where an effort was made to prosecute a defendant after he had done all his fleeing, and had, let us say, 3 or 4 years later, gone to work in a still different State where he was not doing any fleeing. Under this wording the man might be apprehended there and brought to trial in that State. That is the only set of facts of which I can conceive where it would be open to a construction of unconstitutionality. Does the Senator think of any other set of facts, or would he agree with that?

Mr. ERVIN. We have the ambiguity about these two provisions, which are copied from title 18, section 1073; as to whether the first reference is to the place where the State law was violated, or the place where the Federal law was violated. We have had Members of the Senate express both ideas.

Mr. KEATING. That is true. While we are on that subject, I differ with the tentative construction of the Senator from North Carolina. It seems to me that "original crime" refers to the State crime, or else the word "original" would not be there.

Mr. ERVIN. I was inclined to adopt that construction at first, and then I began to meditate upon the facts. There is talk about the prosecution being in the Federal judicial district. Realizing that the Federal Government could not prescribe venue for State prosecutions, I

came to the conclusion that the reference is to the Federal crime. In any event, it is so confused it ought to be eradicated from the law, and we ought to go back to the plain, general rule and statute.

Mr. KEATING. The Senator is not seeking to eradicate it from section 1073, is he?

Mr. ERVIN. No. However, if my amendment is agreed to, I think I will introduce a general bill on that subject, not tied to this matter.

Mr. KEATING. I should like to come back to the question of constitutionality. It seems to me, as the Senator from Colorado pointed out, there have been only nine prosecutions out of some 900-odd cases of those who have fled, because of a policy of leaving the matter to the State courts to prosecute, rather than to prosecute such persons federally, except under very unusual sets of facts. It is hard for me to conceive of any administration of criminal law whereby a person would be brought to trial for flight to avoid prosecution in a State where he was apprehended where he was not still in flight. I think that is what is intended. It might be that a court would so construe it, even without any additional language. The court might construe it as meaning a man was "apprehended while still in the process of flight."

Mr. ERVIN. I have seen references in the press to recent prosecutions under this first statute where the folks had apparently come to rest, were no longer fleeing, and yet were prosecuted in the Federal courts.

Mr. KEATING. Under the flight statutes?

Mr. ERVIN. Yes.

Mr. KEATING. I was not familiar with such cases.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. CARROLL. I agree with the Senator from North Carolina. There is great confusion on this issue. The able Senator from North Carolina has one interpretation about "original crime" and I have another interpretation about "original crime."

What really astounds me is that the Attorney General himself has thrown considerable doubt upon this matter. I read from line 18:

Violations of this section may be prosecuted—

He left out the word "only" as used in section 1073, and then added, on line 21—

in the Federal judicial district in which the person is apprehended.

I ask my able and genial friend from North Carolina to bear with me awhile, because this becomes very difficult, when we try to legislate on the floor of the U.S. Senate, when we ought to have been able to work these things out in committee.

This is a highly technical legal question. I have made some notes. During the time I have been engaged in debate this afternoon, I have had some of my staff on the telephone talking with the

Attorney General. I want to know what the relevant facts are when we legislate in this manner.

I have some notations to the effect that the nature and the essence of the crime is flight. That flight can be a continuing flight, over several districts and several States. I say to my able friend from North Carolina that it does mean that the minute a man steps over the line, that constitutes the gist of the offense which sets in motion the criminal statute; but he does not have to be apprehended and brought back to that State merely because that is the beginning of the crime. He may go over a series of States. Kidnaping is a continuing crime. Mail fraud is a continuing crime. A letter, the mailing of which constitutes a crime, may be mailed in Colorado and go through many States into New York, and prosecution may be had in New York, where it is received.

Mr. ERVIN. In the case of a letter, Congress has powers to regulate postal matters above its powers in many other fields.

Mr. CARROLL. That is correct.

Mr. ERVIN. Congress has made a crime the mailing of certain types of letters, even though they may never cross State lines. The power of Congress is rather complete in connection with the regulation of postal matters.

Mr. CARROLL. Mr. President, will the Senator further yield?

Mr. ERVIN. I yield.

Mr. CARROLL. The Senator from North Carolina has made a very able presentation. If my interpretation of "original crime" is correct, and his interpretation of the general statute is correct, an offender would be tried in the place where the original crime was committed.

I should like to make a suggestion. In view of the complexity of this subject, until we can straighten out the difficulty, why not accept the last portion of section 1073? The Senator and I are both members of the same subcommittee of the Committee on the Judiciary. The last portion of section 1073 does not agree with the Attorney General's concept at all, but it does agree with existing law. Then we can take a look at the question in the future, and I may go along with the concept of the able Senator from North Carolina.

We have taken certain action this afternoon. Perhaps it is not too wise, but we have taken it. We have created a new Federal crime. Before we do anything further, let us take a provision which is known, and which has been passed upon by the courts. All we have to do is to insert the word "only" after the word "prosecuted" and strike out all after "confinement" in lines 21 and 22. That would end this debate; and perhaps later we could obtain more information from the Attorney General and other legal sources.

Mr. ERVIN. My objection is that I do not believe in perpetuating ambiguities. I do not believe in interfering with the acceptance of the principles that matters of procedure and venue should be governed by rules rather than by statutes.

Also I should like to eliminate this language so that I could vote without a twinge of conscience for a provision which I believe to be clearly constitutional.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. LAUSCHE. If the Senator from North Carolina will be patient with me, I should like to develop my point by a series of questions.

Both section 1073 and the proposed section 1074 deal with flight primarily. Am I correct?

Mr. ERVIN. That is true.

Mr. LAUSCHE. Section 1073 provides that whoever moves or travels in interstate or foreign commerce with intent either to avoid prosecution or to avoid giving testimony, commits a crime. Basically that is what is provided. It is a crime. Section 1073 provides as I have described, and so does section 1074. So thus far both sections 1073 and 1074 are identical.

With respect to punishment, they are identical—they provide a fine of not more than \$5,000 and imprisonment for not more than 5 years. Now we come to the question of venue. On the question of venue, section 1073 provides that it shall be in one of two places. However, the proposed section 1074 provides that it may be in one of three places. Am I correct in that?

Mr. ERVIN. That is true; but owing to the ambiguity, it could be argued that under title 18, section 1073, venue could be in one of four different places, and under the Dirksen amendment, five, depending on the interpretation placed upon the language.

Mr. LAUSCHE. The Senator from North Carolina wishes to strike from the Dirksen substitute the entire paragraph dealing with venue. If that were done, there would be no declaration as to where venue should be under the proposed section 1074.

Mr. ERVIN. That is correct, except under rules 18 and 19, and the general statute relating to venue, where the crime is not committed in a State or Federal district.

Mr. LAUSCHE. Does the Senator from North Carolina agree that the venue as set forth in section 1073 would not apply to the proposed section 1074?

Mr. ERVIN. Absolutely.

Mr. LAUSCHE. Section 1073 provides for venue for the offenses mentioned above.

Mr. ERVIN. That is correct.

Mr. LAUSCHE. So section 1073 would not apply in fixing venue. Which provisions would govern the venue?

Mr. ERVIN. If my amendment were adopted, the venue in the case of the crime of flight, committed in a State or Federal district, would be the State or Federal district in which the crime was committed; and in the case of flight on the high seas or in areas outside a State or Federal district, venue would be governed by the act of Congress which provides that in such case the trial shall be in the district where the defendant is found, or into which he is first brought. That is the general rule governing Federal crimes generally.

Mr. LAUSCHE. It is quite improbable that this crime will be committed on the high seas.

Mr. ERVIN. But it may be committed in interstate commerce.

Mr. LAUSCHE. Yes. I can see that.

Mr. ERVIN. Not only in interstate commerce, but in foreign commerce. Suppose a man in Texas flees to Mexico. If I am correct in my idea that the crime is committed when he steps into Mexico, under the proposed language there would be no provision covering the venue of that crime, because that is in foreign commerce.

Mr. LAUSCHE. The Senator from Colorado [Mr. CARROLL] has suggested that inasmuch as section 1073, in declaring venue, has been tested and held to be constitutional for safety purposes we ought to put the venue provision, as set forth in section 1073, into the Dirksen amendment. Is that correct?

Mr. CARROLL. That is exactly my point.

Mr. LAUSCHE. What decisions have there been on the venue provision?

Mr. CARROLL. I have not had time to make a complete breakdown on the question of venue. I have examined one or two cases in connection with the question of constitutionality. One was a case coming up from Kentucky. Certiorari was denied, and the appeal was dismissed. That was a case involving the question of establishing flight as a separate crime. I will say to the able Senator from North Carolina that so far as I know, the question of venue has not yet been decided. So the question of the original crime is open. The Senator from North Carolina has one interpretation, and I have another. We have an amendment before us, and I agree with the Senator from North Carolina that certain lines from the Dirksen proposal ought to be stricken.

Mr. LAUSCHE. I think the third place of venue should be stricken. I agree with the Senator from North Carolina on that point.

Mr. CARROLL. Our amendments are so close together that there should not be much question on this point. I have inserted the word "only" and have struck out the last line. It is my opinion that they could be considered contemporaneously.

Mr. ERVIN. The Senator could offer his amendment as a substitute. I prefer my amendment. I want to remove all this ambiguity. Frankly, I have attempted to determine whether there has been a decision on the constitutionality of the venue provision. I will not say that I have read all the decisions, but I took the United States Code Annotated and I read all the annotations under the statute dealing with this subject and under the constitutional provisions dealing with it. I was unable to find any decision on the constitutionality of the venue statute. All the decisions I found held expressly that crimes had to be tried, under the Constitution, in the State or Federal district where they were committed, if they were committed in a State and Federal district, and that they had to be tried under the act of Congress in case they were not committed

in a State or Federal district. I yield the floor. I ask for a vote.

Mr. JOHNSON of Texas. Mr. President, the minority leader has asked me how late we plan to run this evening. I am hopeful that we may have a vote on the amendment. The minority leader has no objection to having a voice vote on it, if that is agreeable.

Mr. LAUSCHE. Mr. President, I would suggest the absence of a quorum.

Mr. JOHNSON of Texas. The Senator from Ohio would first suggest the absence of a quorum, as I understand. Does any Senator desire a record vote on it?

Mr. CARROLL. Mr. President, I have a substitute amendment pending. I do not care to have a record vote on it, but I believe we can state the proposal in 2 or 3 minutes on each side. Certainly I can state my case in 3 minutes.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, and that we have 10 minutes of debate, to be divided equally, following the quorum call, with 5 minutes on each side.

The PRESIDING OFFICER (Mr. MUSKIE in the chair). Is there objection? The Chair hears none, and it is so ordered.

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JOHNSON of Texas. As I understand, the Senator from Colorado [Mr. CARROLL] has 5 minutes. Who claims the time in opposition on the Carroll amendment?

Does the Senator from Illinois desire to control the time in opposition to the Carroll amendment?

Mr. DIRKSEN. I am in favor of the Carroll amendment.

Mr. JOHNSON of Texas. Then I will ask the Senator from North Carolina [Mr. ERVIN] to control the time in opposition to the Carroll amendment, if that is agreeable to him.

The PRESIDING OFFICER. The amendment of the Senator from Colorado has not yet been offered.

Mr. CARROLL. My amendment is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, line 18, after "prosecuted" it is proposed to insert "only," and on line 21, to strike out the remainder of the paragraph after "confinement."

Mr. ERVIN. Mr. President, will the Senator from Colorado yield time to me for a moment?

Mr. CARROLL. I am glad to yield to the Senator from North Carolina.



Mr. ERVIN. I believe my amendment is a far better amendment than that which has been offered by the distinguished Senator from Colorado; but I believe the amendment offered by the Senator from Colorado is much better than the original bill. Rather than divide those who believe the original bill ought to be changed, I would modify my amendment so as to have it conform with the amendment proposed by the distinguished Senator from Colorado.

Mr. JOHNSON of Texas. I understand that is satisfactory to the minority leader. If so, why not agree to the amendment now?

Mr. DIRKSEN. What the Senator from North Carolina says is that the Carroll amendment is existing law today in another section, and it is very proper to have it adopted. I am glad the Senator from North Carolina is amending his amendment to conform with that of the Senator from Colorado.

Mr. CARROLL. I have only one statement to make, so that I will not be misunderstood. I shall take one minute in order to make my position clear.

Under existing law, which deals with many crimes, there is a small provision at the end of section 1073. We have adopted language which creates a new Federal crime. I am merely moving that provision over, as the able minority leader has said, to conform to the existing law. The able Senator from North Carolina and I, together with other Senators, will pass upon this question in a proper procedure before the Committee on the Judiciary. I think that clarifies the situation.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. CARROLL. I yield.

SEVERAL SENATORS. Vote! Vote! Vote!

Mr. CLARK. Mr. President, some Senators have not been on the floor, and we have taken an interest in this subject. Some of us would like to know what we are voting on before we vote.

I ask the Senator from Colorado: If a person burns a schoolhouse in Maryland and, with the intent to avoid arrest, flees into Pennsylvania, and is apprehended in Pennsylvania, can he, under the amendment of the Senator from Colorado, be tried in Pennsylvania?

Mr. CARROLL. As I interpret the existing law, a law which has been on the books for some 25 years, such a person would have to be returned to the place of the original crime. He would, therefore, have to be returned to Maryland.

In fiscal 1957, some 947 persons were returned by the FBI to the respective States, and only 9 cases were prosecuted in Federal courts under section 1073.

The specific answer to the question of the distinguished Senator from Pennsylvania would be, in my opinion, that such a person would not be tried in Pennsylvania under existing law.

Mr. CLARK. Mr. President, will the Senator yield for another question?

Mr. CARROLL. I yield.

Mr. CLARK. The Senator understood, did he not, that I had reference to the crime of fleeing across a State border with the necessary felonious in-

tent. Is the Senator now saying that when such a person commits a crime, partly in Maryland and partly in Pennsylvania—because no crime is committed until the person gets into Pennsylvania—nonetheless he could not be tried in Pennsylvania for the Federal crime of fleeing across a State border, with the felonious intent called for by the act?

Mr. CARROLL. The question of venue under the existing law has not been interpreted by the Supreme Court. My opinion, therefore, is not conclusive upon anything or anybody. It is merely my opinion that Congress had a definite purpose in mind when it passed this provision 26 years ago. I simply ask that we move it over to take its proper position in connection with the new Federal crime which was created earlier today, and that we change the words of the Attorney General.

To answer the Senator from Pennsylvania specifically, the person would probably not be subject to prosecution, in my opinion, in Pennsylvania, if he burned a schoolhouse in Maryland and was fleeing into Pennsylvania.

Mr. CLARK. Even though the crime of fleeing across a State border was committed, in part, in Pennsylvania?

Mr. CARROLL. The crime, of course, is a Federal crime. It is the Federal crime of flight. The Federal crime of flight could be prosecuted either in Maryland or in Pennsylvania, except for the provision which was adopted by Congress 25 or 26 years ago. It might be removed from the law, and perhaps ought to be removed, but that action is now being delayed until the Committee on the Judiciary can consider it properly. The Senate has been trying to write a very complex law on the floor of the Senate. I think that by this hurried action we are making a grave mistake. This amendment retains the language of existing law until we have had a chance to reconsider it in committee.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment offered by the Senator from Colorado [Mr. CARROLL].

The amendment was agreed to.

Mr. JOHNSON of Texas. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

Mr. DIRKSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Does the Senator from North Carolina withdraw his amendment?

Mr. ERVIN. I do not know whether the question arises from a parliamentary standpoint. Did not the Senator from Colorado offer his amendment as a substitute for mine?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the Carroll amendment is not an amendment in the nature of a substitute.

Mr. ERVIN. Very well. I withdraw my amendment.

The PRESIDING OFFICER. The bill is open to further amendment.

## ORDER FOR ADJOURNMENT UNTIL NOON TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its business today, it adjourn until 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

Mr. JOHNSON of Texas. Mr. President, so far as the leadership is aware, there will be no further yea-and-nay votes during the remainder of the evening; but the Senate will remain in session to enable Senators who may desire to do so to address the Senate.

Mr. HOLLAND. Mr. President, I simply wish to make it plain that there are further amendments to be considered. I thought from the announcement by the Presiding Officer that the Chair was about to put the question on the third reading of the bill.

## U.S. RELATIONS WITH LATIN AMERICA

Mr. SMATHERS. Mr. President, every thoughtful citizen of the United States must necessarily be delighted with the climate of good feeling engendered by President Eisenhower's recent tour of Latin America. The President's profound good will is unmistakable, and the response of the Latins to it was spontaneous and deeply sincere.

Probably the hearts of the Brazilians, the Chileans, the Uruguayans, and the Argentinians have never been more warmly disposed toward the United States than they are at this moment. Many of the gnawing suspicions and the imagined slights have been chased away.

In this sense, the President is quite right in urging that our relations with Latin America—have reached an all-time high.

However, despite the present glow, we must remember that nothing basic has happened in Latin America. The problems that were there still remain.

The President's tour could be a magnificent beginning toward the solution of these problems, an ingathering of moral force and constructive impulses.

But the great danger is that the glow will blind us to the deeper realities. If this occurs, the suspicions will return in a rush, augmented by disappointed hopes, and we shall be further than ever from achieving our goals.

In his talk the other night, the President reported that the peoples of Brazil, Argentina, Chile, and Uruguay are friendly, love freedom and are highly individualistic.

The President also reported that they are working toward self-improvement—a fact which we all applauded over recent years.

He made quite a point of our commitment to the Rio Treaty, which we signed in 1947; and, although he did not mention it by name, it was clear that the President has again committed us to a support of the Monroe Doctrine.

Mr. President, what President Eisenhower told the American people is true enough. But the line between truth and platitude is indistinct. What distinguishes truth from its empty image is the muscularity, the emphasis, with which the truth is stated and the strength with which it is followed up.

The President held out some hope for loans for soundly conceived development programs from the United Nations and the Inter-American Bank, with the possibility of the United States working something out if these did not fit. This could mean something; but let us remember that we have heard its like before.

He gave commodity prices a light going over with references to our assistance in a cooperative study; and he observed that it would help the Latin American countries if they achieved diversification.

He warmly praised a housing project in Santiago, where neighbors help build each others houses.

I am sure there will be more to come but thus far these are mightily slim pickings from a tour which has been described as far more than a good will trip.

As I tried to emphasize in my floor speech on February 25, time is growing short in Latin America. The opportunity, in South America at least, is the best it has been in this generation. As the able Senator from Oregon [Mr. MORSE] noted on page 2 of his recent report to the Senate Foreign Relations Committee—

the United States has perhaps the best chance it has ever had to help bring into being in Latin America the kind of liberal social order on which firm and enduring hemispheric unity can be built.

In this judgment, I certainly concur.

Nonetheless—and this is the point which needs to be driven home with a hammer—the future is very, very precarious indeed. In its present economic and social condition, Latin America is like a time bomb. Although the chances of disarming this bomb are better now than they were last year or 5 years ago or 10 years ago, the time of the explosion has gotten closer.

If the present opportunity escapes our grasp, we may never have another. Somewhere not very far down the road—4 years, 6 years, 10 years ahead—there wait the forces of reaction and revolution, each poised to destroy democracy, each ready to war over the remains.

Should the cause of moderate reform, under the guidance of present democratic elements, turn out to be a crashing failure—as well it may if we withhold support—Latin America is destined for a political and social holocaust which may make the Dark Ages and the Reign of Terror seem like comparatively joyous interludes.

As I have said, as the Senator from Vermont [Mr. AIKEN] has said, and as the Senator from Oregon [Mr. MORSE] has said, the United States has a profound stake in the success of the reformers.

The President recognizes this fact; but what was missing from his report to the people the other night was the sense of urgency about the problems these reformers face.

How is Latin America to work out practical means for development of its human and material resources?

How, in unison with the United States, can commodity prices be stabilized, instead of only being studied?

How can Latin America participate more actively in free-world councils?

How can the principle of arms reduction be made effective?

How can disparities in wealth and human condition be eliminated, without destroying the social structure in the process?

How can the beginnings of democracy be made secure?

How can a transition be made from a dictatorship to a democratic form of government?

I could stand here and could make recommendations until I was blue in the face and thoughtful analyses could be produced ad infinitum by the Latin American Affairs Subcommittee of the Senate Foreign Relations Committee, but without implementation by the executive branch all such words and analyses would be wasted.

If the useful beginning of the Eisenhower tour is to be carried forward toward a fruitful conclusion, there must be a policy—not just a communique, not just a speech, not just a vague expression of benevolence.

The mechanism for such a policy may already exist in the National Advisory Committee on Inter-American Affairs, appointed by the President on November 14, 1959. The members of this committee are Ambassador Walter J. Donnelly, Dr. Milton S. Eisenhower, G. Kenneth Holland, O. A. Knight, Charles A. Meyer, and Dana G. Munro. They are an able group. But they are not, and cannot be, a working task force. Their efforts need to be supported by an interagency committee representing the State Department, the ICA, the Export-Import Bank, the Development Loan Fund, and other units of our Government which have an active responsibility in Latin America.

Such a committee should be assigned the task of screening and sorting recommendations on Latin America, with a view toward assembling the kind of urgent—yes, and dramatic—new policy which the course of events demands. The National Advisory Committee on Inter-American Affairs is perfectly suited to the task of reviewing such policy suggestions as the ones this working committee would and could develop.

Mr. President, our relations with Latin America have, perhaps, reached an all-time high. But it will be a temporary remission, a false dawn, a chimerical hope, unless we put our minds now to consolidating the very real opportunity which the President's tour has given us to advance the cause of hemispheric solidarity.

Mr. MANSFIELD. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Does the Sena-

tor from Florida yield to the Senator from Montana?

Mr. SMATHERS. I am happy to yield to my friend, the Senator from Montana.

Mr. MANSFIELD. Mr. President, I have listened with great interest to the speech just delivered by the distinguished Senator from Florida.

I agree with what he has said, because—as he has stated—the important thing now is what he has referred to as the followup, and what some refer to as the followthrough. It is all right to make a good-will tour in Asia, in Africa, in Europe, and recently in Latin America; but if that is the end of the process, then I think the trips might well not have been made in the first place, because the results on that basis might well be detrimental to the best interests of the United States and Latin America.

I should like to express the hope that in his followup the President will use the sagacity, the wisdom, and the counsel of Governor Muñoz-Marin of Puerto Rico, who serves as a bridge between the United States and Latin America, and has proved by his example, his integrity, and his understanding that he knows how to do things and how to get them done. His accomplishments in Puerto Rico speak for themselves and certainly are a great credit to the Commonwealth and its relations of equality with the United States. In my opinion, he is one of the great statesmen of the Western Hemisphere.

Furthermore, as the Senator from Florida has said, I hope the administration will pay a great deal of attention to the reports and the counsel of the distinguished Senator from Vermont [Mr. AIKEN], the distinguished Senator from Oregon [Mr. MORSE], and—if I may say so—the distinguished Senator from Florida [Mr. SMATHERS], all of whom have indicated a firsthand knowledge and personal interest in the betterment of Latin-American relations with the United States.

I also hope great attention will be given to the Organization of American States, and that it will have both the funds and the authority with which to act as an intermediary between the United States and all of the Latin American countries, as well as Latin America as a whole.

I also hope that the United States will show evidence of a greater interest in the countries of Latin America, so that our programs of aid to those countries will receive prior attention, rather than come in at the tag end, as has been the case for far too long a period of time. As the Senator from Florida has said, the tides are running fast in Latin America, and it is up to our country to recognize that fact and to do what we can, in a tangible way, to bring about a closer relationship, because of mutual-ity of interests and common goals in this hemisphere.

I want to again commend the distinguished Senator for making an outstanding speech on this most important subject at this particular time.

Mr. SMATHERS. I thank the able Senator from Montana for his very generous contribution.



**MRS. ADELE ROSENWALD LEVY**

Mr. JAVITS. Mr. President, we have lost in New York a very outstanding community leader. I take a moment of the Senate's time to call her life to the Senate's attention.

Mrs. Adele Rosenwald Levy, who died at the age of 67, was a longtime president of the Citizens' Committee for Children of New York City, and was engaged in a great host of outstanding activities, many of them concerned with children.

I had the honor of serving with Mrs. Levy in 1955 and 1956 on a State commission on youth and delinquency, which was appointed as a result of my work as Attorney General. There was drafted a revised New York State Youth Commission Act which I think put our State in the forefront in dealing with problems of youth.

Mrs. Levy served for a long time on the New York State Youth Commission. She was also a charter member of the New York City Youth Board. Her work endeared her to the people of New York, because she was associated with a great many organizations in that field.

She was also active in the United Jewish Appeal, which is concerned with the work of resettlement of refugees and others in Israel.

Also, Mrs. Levy pursued a great many cultural interests as a leader in art, she, herself, being the possessor of a noted art collection in New York City.

Although her political party was not my own, she was nonetheless such a distinguished citizen that she was appointed to, and retained, positions of responsibility by both Governor Harriman and Governor Rockefeller. Governor Rockefeller recently appointed her to the State committee for the 1960 White House Conference for Children and Youth.

Mrs. Levy led a tremendously useful and exemplary life. She was a most gracious person and was a tremendous benefactor to her city and State.

It is with the greatest regret that I note her passing; and I call this beautiful life, which was of such great usefulness, to the attention of my colleagues.

I ask unanimous consent that the obituary notices which appeared in the New York Herald Tribune and the New York Times may be included in the RECORD as a part of my remarks.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Herald Tribune,  
Mar. 14, 1960]

**MRS. ADELE ROSENWALD LEVY DIES; HUMANITARIAN LEADER**

A memorial service will be held Friday for Mrs. Adele Rosenwald Levy, 67, prominent for many years in philanthropic, welfare, and civic activities, who died Saturday at Mount Sinai Hospital. She lived at 993 Fifth Avenue.

The Citizens' Committee for Children of New York City, of which Mrs. Levy was president, said the time and place for the service would be made known today. Mayor Wagner and Mrs. Franklin D. Roosevelt were among those scheduled to participate.

Associated with 35 community, State, and national organizations, Mrs. Levy devoted

herself to activities ranging from child welfare to refugee rescue work to art trusteeship.

**WAGNER STATEMENT**

In tribute to her service, Mayor Wagner issued a statement yesterday in which he said:

"Perhaps no man or woman in our lifetime has given more of their time and energy to the great humanitarian causes of the day than this fine and noble woman. Her loss will be particularly felt by the thousands of less fortunate people whom she was always willing to help toward a better life.

"Mrs. Wagner and I counted Mrs. Levy among our closest personal friends and we are deeply saddened by her death."

The wife of a psychiatrist, Dr. David M. Levy, she served for years on the New York State Youth Commission and as a charter member of the New York City Youth Board. Other youth projects with which she was associated included the Play Schools Association, the Wiltwyck School for Boys, the Walden School, Youth House, the Riverdale Children's Association and the Hudson Guild, and Neighborhood Health Development day-care unit.

Serving in a watchdog capacity, she often protested to the State or city government when she felt child welfare was receiving insufficient funds.

**AIDED REFUGEES**

On behalf of refugees and displaced persons she served in 1946 and 1947 as first chairman of the national women's division of the United Jewish Appeal. She also was vice chairman of the Citizens Committee on Displaced Persons, and for many years she was on the board of directors of the American Jewish Joint Distribution Committee.

In 1948 she was an American delegate to the first World Health Organization conference in Geneva, and in 1949 and 1950 was president of the New York Association for New Americans.

A noted art collector, with paintings including works by Renoir, Cezanne, Seurat, Degas, Corot, and Toulouse-Lautrec, Mrs. Levy pursued a variety of cultural interests. She was a member of the executive committee of the Museum of Modern Art, a sponsor of Stadium Concerts, Inc., and a trustee of Brandeis University, Waltham, Mass.

Her activities extended also to politics, and in 1953 she was an honorary co-chairman of the independent citizens committee backing the reelection of former Governor Harriman and the election of District Attorney Frank S. Hogan for U.S. Senator on the Democratic-Liberal ticket.

**APPOINTED BY ROCKEFELLER**

Governor Rockefeller appointed her last year to the State committee for the 1960 White House Conference for Children and Youth. In 1950, former President Truman named her a member of the executive committee of the White House conference of that year. The recipient of many awards and honors, she was cited as "Woman of the Year" in 1957 by the fashion division of the Federation of Jewish Philanthropies, and "Outstanding Jewish Woman of 1946" by the National Council of Jewish Women.

Surviving, besides Dr. Levy, are two sons by a previous marriage, Armand S. and Richard E. Deutsch; two brothers, Lessing J. and William Rosenwald; two sisters, Mrs. Marion R. Ascoli and Mrs. Edith R. Stern, and five grandchildren. A private funeral service, for the immediate family only, will be held tomorrow.

[From the New York Times, Mar. 14, 1960]

**MRS. DAVID M. LEVY DEAD AT 67; CIVIC AND SOCIAL SERVICE LEADER—PHILANTHROPIST AIDED YOUTH, EDUCATION, AND REFUGEE WORK—COLLECTED ART**

Mrs. Adele Rosenwald Levy of 993 Fifth Avenue, a philanthropist and community

and social service leader, died Saturday night at Mount Sinai Hospital after a brief illness. Her age was 67.

She was the wife of Dr. David M. Levy, a psychiatrist, and a daughter of the late Julius Rosenwald, the Chicago merchant and philanthropist who founded the Julius Rosenwald Foundation.

Mrs. Levy had been active in 35 charitable, artistic, and community organizations.

Her activities ranged from groups devoted to the aid of young people, such as the Citizens' Committee on Children of New York City and the Play Schools Association, to sponsorship of Stadium Concerts, Inc., and service on the executive committee of the Museum of Modern Art.

A vivacious, sparkling woman, Mrs. Levy once told a writer, "I'm the luckiest person in the world," pointing out that as a little girl she learned from her late father "the obligations that come with wealth."

"He always said wealthy people are just custodians for money," she remarked. "I am lucky to have money because every day of my life it has attracted a variety of people who are doing a variety of things."

**HONORED FOR ACTIVITIES**

For several years, Mrs. Levy was a member and acted as secretary of the New York State Youth Commission. She was a charter member of the New York City Youth Board. Her work in the field won her many honors, including the John H. Finley Award from City College in 1955.

In 1957, the fashion division of the Federation of Jewish Philanthropies gave a gold key award to Mrs. Levy, citing her as the "Woman of the Year" in recognition of her work as a community leader and her activities on behalf of underprivileged children.

A citation by the National Council of Jewish Women singled out Mrs. Levy as the "Outstanding Jewish Woman of 1946." In 1950, President Truman appointed her to the executive committee of the Mid-Century White House Conference on Children and Youth. This year, Governor Rockefeller appointed her to the State committee for the 1960 White House Conference.

Many educational institutions also called upon Mrs. Levy for aid. She was on the board of trustees of Brandeis University in Waltham, Mass.

In addition, Mrs. Levy served as a first vice president for the Wiltwyck School for Boys and aided such projects as Walden School, Youth House, the Riverdale Children's Association, and the Hudson Guild and Neighborhood Health Development day-care unit.

Another phase of her activity concerned refugees and displaced persons. She was the first chairman of the national women's division of the United Jewish Appeal, organized in 1946, a post she held for 2 years. She also served as vice chairman of the Citizens Committee on Displaced Persons and was on the board of directors of the Greater New York United Jewish Appeal.

Along with her philanthropic work, Mrs. Levy was an enthusiastic art collector. Her home was a miniature art gallery, containing oils by the French masters, Renoir, Toulouse-Lautrec, Cezanne, Seurat, Degas, and Corot.

Mrs. Levy maintained a constant and alert eye on municipal economies. Frequently she raised her voice to protest failure to provide sufficient funds to support children's aids.

At 19, she was married to Armand Deutsch, a Chicago neighbor whom she had known since childhood. They had two sons, Armand, Jr., of Beverly Hills, Calif., a film and stage producer, and Richard E., of Greenwich, Conn., a manufacturer.

She was divorced from Mr. Deutsch and, in London, in 1927, she married Dr. Levy, a child psychiatrist, with whom she had worked some years earlier at the Institute for Juvenile Research, in Chicago.

In addition to her husband and two sons, she is survived by two brothers, Lessing J. Rosenwald, of Jenkintown, Pa., and William Rosenwald, of New York; two sisters, Mrs. Edgar B. Stern, of New Orleans, and Mrs. Max Ascoli, of New York, and five grandchildren.

A private funeral service will be held tomorrow.

Mayor Wagner yesterday expressed deep shock "not only for myself but for all of the people of the city of New York" on the death of Mrs. Levy.

The Mayor said: "Perhaps no man or woman in our lifetime has given more of their time and energy to the great humanitarian causes of the day than this fine and noble woman. Her loss will be particularly felt by the thousands of less fortunate people whom she was always willing to help toward a better life."

"Mrs. Wagner and I counted Mrs. Levy among our closest personal friends and we are deeply saddened by her death."

[From the New York Herald Tribune, Mar. 15, 1960]

#### MRS. ADELE LEVY'S MANY-SIDED CAREER

No one who did not know her can view the list of Mrs. Adele Rosenwald Levy's activities without a certain awe. Primarily she will be remembered as a humanitarian; the youth of New York City, in particular, owes much to her intelligent devotion to their cause. But somehow she also found time for the arts, for education and for politics. In her there was nothing of the dilettante; what she did she did well, with selfless energy and professional skill.

During her life, Mrs. Levy received many honors and, what she cherished more, many responsibilities and opportunities for service. Her death will be mourned by the community she enriched through her works and her example.

[From the New York Times, Mar. 15, 1960]

#### "THE LUCKIEST PERSON"

Adele Rosenwald Levy was an engaging, warm-hearted, modest woman whose disarming simplicity of manner veiled a deep sense of social service backed by the firm resolution to make of this world a better place because of her being here.

That she succeeded would be attested by the thousands of persons who knew her, loved her and mourn for her today, and the hundreds of thousands who never knew her but whose lives have been immeasurably benefited because she lived. The helpless, the hopeless, the downtrodden, the dispossessed, found in Mrs. Levy a sympathetic and understanding friend. Her characteristic, though not exclusive, interest was in the welfare of children; and her constructive contributions to this cause alone in time, in ideas, in effort and in money would have been enough to satisfy most ordinary mortals. But Adele Levy was extraordinary. Education, art, music and public service at city, State, National and even international levels—all claimed a share of her enthusiastic activity.

Daughter of the late Julius Rosenwald, Mrs. Levy came naturally by her abiding sense of public obligation. "I'm the luckiest person," she said, because her wealth gave her the opportunity to serve. Resident in this city only the latter half of her life, she made an impact here that will long be remembered.

Mr. KEATING. Mr. President, will my distinguished colleague yield to me?

Mr. JAVITS. I yield.

Mr. KEATING. I am familiar with the wonderful life Mrs. Levy led and the great contributions which she made to the civic and cultural life of our State,

the great city of New York, and indeed, of our Nation.

Her passing is a great loss to all of us, and I join my colleague in his remarks.

Mr. JAVITS. I am very grateful to my colleague, who has joined, in his typically gracious way, in this tribute to Mrs. Levy. I know I speak for both of us when I extend our heartfelt sympathy to Dr. David Levy, a gifted physician in New York, and to her family.

Mrs. Levy came from the Rosenwald family, which is one of the most distinguished families in philanthropic works of great benefit to the people. It has been our good fortune to have had her among us.

#### LEASING OF PORTION OF FORT CROWDER, MO.—CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 8315) to authorize the Secretary of the Army to lease a portion of Fort Crowder, Mo., to Stella Reorganized Schools R-I, Missouri.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. Is section 2 of the Dirksen substitute open to amendment?

The PRESIDING OFFICER. It is open to amendment.

Mr. KEATING. I send to the desk an amendment to section 2 and ask that it be made the pending business.

I ask unanimous consent, that the reading of the amendment be dispensed with, and that it be printed in the RECORD at this point, so that all Members of the Senate may be acquainted with it. It is not my intention to speak on the amendment until tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. SMATHERS. Mr. President, reserving the right to object, I wonder if the Senator from New York will state what his unanimous-consent request was.

Mr. KEATING. The unanimous-consent request was that the amendment not be read at this time, that it be printed in the RECORD, so that it will be available to all Members and can be read in tomorrow's RECORD, and that it be made the pending business. It is not my intention to speak on it until tomorrow.

Mr. SMATHERS. May I ask the able Senator from New York, when he states that he wants to make it the pending business, if he would mind telling me what is in the amendment?

Mr. KEATING. I shall be very happy to do so, briefly, although I should like to go into it more fully tomorrow. It adds to the fugitive felon section, which we have already considered, an additional section which has been offered in almost precisely these terms, by 44 Members of the Senate, on both sides of the aisle, making the transportation of explosives, or the possession of explosives, with intent to use them for bombing, a Federal crime.

I did want to put into the RECORD now the list of Members who have co-

sponsored such an amendment, totaling 44. I am perfectly willing to have the amendment read.

Mr. SMATHERS. I have no objection. I objected only because I did not hear what it was that the Senator from New York was up to. Now that he has explained it to me, I am delighted to say I withdraw my objection.

Mr. KEATING. I am very grateful to my friend from Florida.

The PRESIDING OFFICER. The amendment offered by the Senator from New York will be stated for identification.

The LEGISLATIVE CLERK. The Senator from New York proposes an amendment identified as "3-14-60—A."

The PRESIDING OFFICER. Without objection, the request of the Senator from New York is granted.

The amendment is as follows:

On page 3, line 1 insert after (a) the following:

"Chapter 39 of title 18 of the United States Code is amended by adding at the end thereof of the following new section:

"§ 837. Explosives; illegal use or possession

"(a) as used in this section—

"'commerce' means commerce between any State, Territory, Commonwealth, District, or possession of the United States, and any place outside thereof; or between points within the same State, Territory, or possession, or the District of Columbia, but through any place outside thereof; or within any Territory, or possession of the United States, or the District of Columbia;

"'explosive' means gunpowders, powders used for blasting, all forms of high explosives, blasting materials, fuzes (other than electric circuit breakers), detonators, and other detonating agents, smokeless powders, and any chemical compounds or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion.

"(b) Whoever—

"(1) imports into the United States or introduces, delivers or receives for introduction, attempts to transport, transports, or causes to be transported by financing such transportation or otherwise, in commerce, any explosive, or

"(2) possesses any explosive which has been imported into the United States, or introduced, delivered for introduction, or transported in commerce, with the knowledge or intent that it will be used to damage or destroy any building or other real or personal property for the purpose of interfering with its use for educational, religious, charitable, residential, business, or civic objectives or of intimidating any person pursuing such objectives, shall be subject to imprisonment for not more than one year, or a fine of not more than \$1,000, or both; and if personal injury results shall be subject to imprisonment for not more than ten years; and if death results shall be subject to imprisonment for any term of years or for life, but the court may impose the death penalty if the jury so recommends.

"(c) The possession of an explosive in such a manner as to evince an intent to use, or the use of, such explosive, to damage or destroy any building or other real or personal property used for educational, religious, charitable, residential, business, or civic objectives or to intimidate any person pursuing such objectives, creates rebuttable presumptions that the explosive (1) was imported



into the United States, or transported in commerce and (2) was imported or transported or caused to be imported or transported in commerce by the person so possessing or using it: *Provided, however*, That no person may be convicted under this section unless there is evidence independent of the presumptions that this section has been violated.

"(d) Whoever, through the use of the mail, telephone, telegraph, or other instrument of commerce, willfully imparts or conveys, or causes to be imparted or conveyed, any threat, or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to perform any act prohibited by this section, not more than one year or a fine of not more than \$1,000, or both.

"(e) This section shall not be construed as indicating an intent on the part of Congress to occupy the field in which this section operates to the exclusion of a law of any State, Territory, Commonwealth or possession of the United States, and no law of any State, Territory, Commonwealth, or possession of the United States, which would be valid in the absence of the section shall be declared invalid, and no local authorities shall be deprived of any jurisdiction over any offense over which they would have jurisdiction in the absence of this section."

"Redesignate the present subsections (a) and (b) as (b) and (c) respectively."

Mr. KEATING. Mr. President, I desire to offer for the RECORD a very brief statement, so that it will follow the actual amendment itself when it is printed.

The amendment adds a new subsection to the section of the Dirksen amendment dealing with bombings. The amendment is almost identical with the amendment which was presented and read in the Senate, offered by me on behalf of myself and a number of other Senators, on March 1, and which is designated, as the clerk has stated, "3-14-60—A," the only substantial difference being that the present amendment would be an addition to, rather than a substitute for, the language of section 2 of the Dirksen amendment.

As it was originally offered, it was a substitute for section 2, and is now offered as an addition to it.

The language of the amendment also is virtually identical to the language of S. 73, which I introduced on January 9, 1959, and which was cosponsored by Senators Javits, Scott, Allott, Beall, Bennett, Bridges, Bush, Case of New Jersey, Cooper, Kuchel, Langer, Martin, Prouty, and Smith.

It is also very similar to the language of and completely similar in objective to the bill, S. 188, which was introduced by the Senator from Massachusetts [Mr. KENNEDY] on January 12, 1959. That bill was cosponsored by Senators Ervin, Allott, Anderson, Bible, Bush, Byrd of West Virginia, Cannon, Carroll, Case of New Jersey, Chavez, Church, Clark, Dodd, Douglas, Engle, Green, Gruening, Hart, Hennings, Humphrey, Langer, Magnuson, Mansfield, Martin, McCarthy, Moss, Murray, Pastore, Randolph, Symington, Yarborough, Young of Ohio, and Young of North Dakota.

In all, Mr. President, a total of 44 Senators have cosponsored one or the other of these bills.

In addition, a similar provision is contained in the civil rights bill introduced by the distinguished majority leader in

the first session of this Congress. In other words, the bill of the majority leader likewise dealt with this bombing situation in the manner set forth in this amendment, rather than according to the fugitive felon idea.

Mr. President, I think it is not necessary for me to detain Senators further at this time. It will be my intention to go into more detail on this as soon as it becomes the pending business tomorrow.

#### USE OF TELEVISION STATIONS BY PRESIDENTIAL CANDIDATES—EXTENSION OF TIME FOR BILL TO LIE ON DESK

Mr. HART. Mr. President, I ask unanimous consent that S. 3171, to provide for the use of television broadcasting stations by candidates for the office of President of the United States, introduced on March 10 by the Senator from Washington [Mr. MAGNUSON], for himself and other Senators, lie on the desk for an additional 2 days for possible cosponsors.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). Without objection, it is so ordered.

#### ADJOURNMENT

Mr. HART. Mr. President, if there is no further business, so far as Senators on the floor are concerned, I move, pursuant to the order previously entered, that the Senate stand in adjournment until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 22 minutes p.m.) the Senate adjourned, pursuant to the order previously entered, until tomorrow, Tuesday, March 15, 1960, at 12 o'clock meridian.

#### NOMINATION

Executive nomination received by the Senate March 14, 1960:

##### INTERSTATE COMMERCE COMMISSION

Timothy J. Murphy, of Massachusetts, to be an Interstate Commerce Commissioner for the remainder of the term expiring December 31, 1964, vice Anthony F. Arpaia, resigning.

## HOUSE OF REPRESENTATIVES

MONDAY, MARCH 14, 1960

The House met at 12 o'clock noon.

The Right Reverend Theodore Kojis, abbot of St. Andrews Abbey, Cleveland, Ohio, offered the following prayer:

Almighty God, Heavenly Father, we beseech Thee to continue to bless our leaders so that they may always conscientiously serve the best interests of our Nation and its people and thus remain in the favor of Thy divine providence.

We pray Thee, God of mercy, to mitigate the sufferings of all enslaved victims of brutal communism and, in particular, on this solemn occasion of the 21st anniversary of the Proclamation of Slovak Independence, we implore Thee to grant the same blessings of freedom to the Slovak nation as Thou hast deigned to give us in our United States,

so that Slovakia, likewise, could have a "government of the people, by the people, for the people."

Lord, hear our prayers.

And let our cries come unto Thee. Amen.

#### THE JOURNAL

The Journal of the proceedings of Friday, March 11, 1960, was read and approved.

#### THE LATE FRED H. DOMINICK

Mr. DORN of South Carolina. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. DORN of South Carolina. Mr. Speaker, it is my sad duty this morning to announce to the House the passing of a former distinguished and able Member from the district it is my honor to represent, the Honorable Fred H. Dominick.

Mr. Dominick was born in Newberry County, S.C. He represented the Third South Carolina Congressional District from 1917 until 1933, a period of 16 years. He represented his district longer than any other Congressman since the War Between the States. Before coming to Congress, he served as Newberry city attorney, Newberry County attorney, member of the State house of representatives, and as assistant attorney general of South Carolina.

Mr. Dominick was a great Democrat. He was active in the South Carolina Democratic Party and in the national party. He was a delegate to every State Democratic convention since 1900 until recent years with the exception of 1914. For many years, he was Newberry County Democratic chairman. As a delegate to the Democratic National Convention in San Francisco in 1920, he supported the nomination of Cox of Ohio for President and Franklin D. Roosevelt as the Vice Presidential nominee. As a delegate to the New York convention in 1924, he supported John W. Davis and Charles Bryan as running mate, brother of William Jennings Bryan.

Mr. Dominick for many years was associated in the practice of law with the late distinguished Governor of South Carolina, and U.S. Senator, Coleman Livingston Blease. He was a colleague in the Congress with the late Senator Benjamin Ryan Tillman, Frank Lever, James F. Byrnes, and many famous South Carolinians.

Congressman Dominick was a man of rare courage. He was one of the few to vote against U.S. participation in World War I. He was forthright and dedicated. In this vote, I believe he was absolutely right. U.S. participation in World War I upset the balance of power in Europe and paved the way for fascism, nazism, and communism.

Mr. Dominick was a man of ability, honor, and unquestioned character. He had a warm personality and leaves a host of sorrowing friends.